UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, Plaintiff, v. PHILIP MORRIS USA INC., f/k/a PHILIP MORRIS INC., *et al.*, Defendants.	Civil No. 99-CV-02496 (GK)

WRITTEN DIRECT EXAMINATION

OF

ANTHONY BIGLAN, Ph.D.

SUBMITTED BY THE UNITED STATES PURSUANT TO ORDER #471

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, Plaintiff, v. PHILIP MORRIS USA INC., f/k/a PHILIP MORRIS INC., *et al.*, Defendants.	Civil No. 99-CV-02496 (GK) Next scheduled court appearance: Trial (ongoing)

UNITED STATES' NOTICE OF FILING TESTIMONY OF
ANTHONY BIGLAN, Ph.D. PURSUANT TO ORDER #471

With this Notice and pursuant to Order #471, the United States submits the written direct testimony of Anthony Biglan, Ph.D., and a list of exhibits submitted that are referred to in Dr. Biglan's direct written testimony. The United States respectfully requests that the Court recognize Dr. Biglan as an expert in psychology and prevention science.

The United States anticipates offering one hour of live direct testimony from Dr. Biglan relating to demonstrative exhibits.

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I. *Expert Qualifications*

Q: Please state your full name for the record.

A: Anthony Biglan.

Q: Have you provided the Court a copy of your curriculum vitae?

A: Yes. It is U.S. Exhibit 78,524.

Q: What is your understanding of the kind of expertise you have been asked to offer in this case?

A: I am offering expertise as a psychologist on adolescent psychology, specifically the psychological needs of adolescents that are met by imagery in cigarette brand marketing, and on youth smoking prevention efforts.

A. Work at Oregon Research Institute

Q: You are a psychologist at Oregon Research Institute?

A: Yes. I am a Senior Scientist and member of the Board of Directors at Oregon Research Institute (ORI).

Q: Before you discuss your work, please tell the Court briefly about Oregon Research Institute.

A: ORI is a private, nonprofit organization, founded in 1960. At ORI, scientists conduct research in the behavioral sciences. Most of the work at ORI relates to public health. Scientists study the factors that contribute to disease and to risky health habits and develop and evaluate treatment programs to alter unhealthy behaviors such as cigarette smoking, lack of exercise, risky sexual behavior, depression, and drug abuse. Our scientists also develop and evaluate intervention programs to prevent public health

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problems before they occur. Prevention programs developed at ORI include parenting skills training programs, school-based programs to prevent tobacco, alcohol, and other drug use, and interventions to prevent adolescent depression. We deliver these preventive interventions through clinics, schools, communities, the worldwide web, and entire states.

ORI has also contributed to the development of statistical and experimental methods in the behavioral sciences. These include techniques for analyzing human development within the context of families, schools, and communities, and the use of certain experimental designs known as interrupted time series to assess the effectiveness of interventions.

Q: How is ORI funded and what is its budget?

A: ORI receives the bulk of its funding from the National Institutes of Health but also receives funding from other Federal agencies, foundations, and private sources. We currently have 60 research grants and an operating budget of about $17 million.

Q: According to your curriculum vitae, you have been a psychologist for 31 years?

A: Yes. I have been doing research on clinical and preventive interventions for most of that time. During the late 1970s and early 1980s, I also was involved in a private practice as a clinical psychologist. Since then, my clinical work has involved developing and evaluating clinical interventions.

Q: What is your educational background?

A: In 1966, I received a Bachelors degree in Psychology from the University of Rochester. In 1968, I received a Masters degree in Social and Organizational Psychology from the

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University of Illinois. In 1971, I received a Ph.D. in Social Psychology from the University of Illinois.

Q: Would you briefly describe the origins of your work in the field of psychology?

A: I began working in the field of social and organizational psychology, the area in which I received my Ph.D. in 1971. My doctoral dissertation concerned the organization of university departments. I created a model of characteristics of academic areas that has since come to be known as the "Biglan Model."

Soon after getting my degree, I obtained post-doctoral training in clinical psychology from the University of Washington and did an internship in clinical psychology at the Psychiatry Department at the University of Wisconsin. I then took a position at the University of Oregon as a Visiting Assistant Professor and subsequently as an Assistant Professor in Clinical Psychology. My research at that time included work on geriatric rehabilitation and the treatment of depression. I also did research on the treatment of anxiety, insomnia, and social skill deficits.

From 1977 to 1982, I was a clinical psychologist at the Behavior Change Center, an innovative clinic that I helped found. We created the clinic to provide research-based treatment at a low cost. At the clinic, I worked with families on child and adolescent problems and worked directly with adolescents on a variety of behavioral problems.

Q: Can you describe further your work at the clinic with children and adolescents who had behavioral problems?

A: With respect to children, I worked mainly with families who were having problems with their children's misbehavior. Treatment involved a widely accepted approach, namely behavioral parenting skills training. In this approach, parents learned how to use positive

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reinforcement to help their children develop cooperative social behavior, self-management skills, and many other skills that children need to succeed with peers, teachers, and other adults. I also worked with adolescents who were having a variety of problems, including difficulties in school, such as skipping class, getting into fights, and not doing schoolwork. Often the teenagers I worked with were also having conflict with their parents and, not uncommonly, they were experiencing depression and anxiety. Many of the teenagers lacked skills for getting along with their peers. My treatment approach typically involved working with the whole family and included: helping parents develop more positive and less confrontational approaches to guiding their teenager's behavior; helping the teenagers get what they needed at school and at home through more positive behavior; helping the family set up a system for reinforcing cooperative behaviors, such as helping around the house and doing schoolwork (since these behaviors are fundamental building blocks for success in schools and families); understanding the important things that the teenagers were concerned about and helping them get those things; teaching them social skills for relating to peers; teaching families how to build positive relationships; developing ways of problem solving; and helping parents set clear, consistent, but not harsh, limits on their teenager's behavior.

Q: Please briefly explain how you drew upon your work with adolescents at the clinic in performing your analysis in this case.

A: My work with adolescents and their families has given me an understanding of the process of adolescent development and the needs of adolescents that motivate their behavior. My understanding of the key needs of adolescents is one basis for analyzing the impact of Defendants' marketing practices on adolescent smoking.

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Q: According to your curriculum vitae, you began working at ORI in 1979. What kind of work have you focused on at ORI?

A: I have done research on tobacco use, depression, diabetes regimen maintenance, parenting skills, and adolescent problem behaviors, which in addition to tobacco use include alcohol and other substance use, high risk sexual behavior, and antisocial behavior. During my time at ORI, I have moved from a focus on the behavior of individuals to a public health perspective, which emphasizes understanding and intervening on *all* of the determinants of the prevalence of a problem in a defined population.

Q: What work have you done on tobacco use?

A: My work on tobacco at ORI has primarily involved adolescent tobacco use. The main thrust of my work has been to develop and evaluate programs to prevent adolescent tobacco use. I have also worked on adolescent smoking cessation interventions, though it has proven difficult to help addicted teenagers stop smoking. As I have evaluated smoking prevention interventions, I have also analyzed some of the risk factors for adolescent tobacco use and other adolescent problems. Finally, I have been involved in the development and evaluation of smoking cessation interventions for adults.

Q: Have you done work on other risk-related behaviors of adolescents?

A: Yes. I have done and continue to do work on adolescent use of alcohol and other drugs besides tobacco. In addition, I have done work on teenagers' high-risk sexual behavior, as well as on delinquency.

Q: What has your work on adolescents' risk-related behaviors involved?

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A: Much of it was done at ORI in the context of our development and evaluation of tobacco prevention interventions. Most of our tobacco-related interventions were also designed to prevent other forms of substance use. For this reason, we have routinely assessed these interventions' impact on other substance use, delinquency, and sometimes high-risk sexual behavior. In addition, we have used the data we collected to analyze the ways in which peer and parental factors are associated with adolescent problem behavior.

My work on these problems with my colleagues at ORI led us to work on how high risk sexual behavior might be prevented among teenagers. We developed and evaluated a five-session clinical intervention that we found could help teenagers reduce risky sexual behavior.

My work on preventing adolescent problem behaviors has also involved the evaluation of a parenting program that helps parents improve their skills in guiding early adolescents. We evaluated its impact in reducing substance use and antisocial behavior among middle school students who were at-risk for problems, and we found that the program was beneficial in preventing adolescents from developing antisocial behavior.

Q: What other work have you done at ORI with children, adolescents, and families?

A: I have done some work evaluating interventions to prevent problem development among elementary school students. The intervention included a parenting skills training component, a social skills component for students, and supplemental instruction in reading. We found that this intervention was quite successful in preventing reading failure and prevented the development of children's aggressive social behavior (which contributes to the later development of delinquency and substance use). I have also

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conducted a number of studies involving problems of adults, such as depression among mothers.

Some of my research has involved the development and evaluation of clinical treatment procedures to help people with a wide variety of problems cope more effectively with thoughts and feelings that are causing them great difficulty. For example, I worked with mothers of developmentally disabled children to help them cope with depression and anxiety and, at the same time, better care for their children.

Q: Have you found in your work at ORI that you draw upon your experience as a clinical psychologist?

A: Yes.

Q: Briefly describe how your experience as a clinical psychologist has assisted with your work at ORI.

A: Being a clinical psychologist involves trying to see the world from the perspective of the client. To help people you have to understand how they think and feel and what is important to them. All of my work at ORI has been influenced by my understanding of the psychological reactions and motivations of people. As I have developed and tested interventions—even when they didn't involve direct clinical contact with people—I have been guided by what I understand about people's psychological needs. For example, I know how important it is for most adolescents to fit in with their peer group—to be liked and accepted. As a result, in developing tobacco prevention programs, I have tried to create programs that would make not smoking tobacco the "in" thing for teenagers.

Q: Would you please define what you mean by "psychological needs?"

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A: By psychological needs, I mean the wants, wishes, or desires people have to achieve a certain psychological state. For example, as I will testify below, most adolescents have strong needs to be accepted by their peers and to have an image that they feel will make them acceptable to their peers.

Q: Has your work at ORI helped you understand the psychological needs of adolescents?

A: Yes.

Q: Could you give us an example?

A: One example is my work on the MacChoice project. Between 1989 and 1994, a colleague and I developed and evaluated a five-session treatment program to help adolescents develop safer sex practices. The program was designed for teenagers who had come to clinics for sexually transmitted diseases because they had or thought they had a sexually transmitted disease. The program was named "MacChoice" because the teenagers had three choices: Monogamy, Abstinence, or Condoms. Its goal was to help teenagers develop safer sex practices by defining goals for safer sex, identifying situations that put them at risk of engaging in risky sexual practices, and developing skills for negotiating these situations without having risky sex.

To do this, we had to understand the sort of psychological needs that they were experiencing. For example, most of the teenage girls who participated were engaging in high-risk sexual behavior because they had strong needs for affection, acceptance, and support. Typically, they had a difficult home life, where they felt unloved, and often they had trouble finding supportive girlfriends. As a result, they were dependent on boys to fulfill these needs. Often, those boys were older and exploitative. The key to helping

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these teenage girls was to help them feel more accepting of themselves and find less risky ways of getting their psychological needs met. We helped them re-evaluate whether they were getting their needs met in their current relationships and helped them develop the assertiveness skills they needed to resist exploitation by the boys they were involved with, or to extricate themselves from exploitive relationships. Our evaluation of the program showed that it helped teenagers reduce the number of partners they had and develop safer sex practices.

Q: Do you have other examples of how your work has helped you understand the psychological needs of adolescents?

A: Yes. Over the past several years, we have been doing research in middle schools. That work has included efforts to help middle schools develop and implement more effective approaches to schoolwide discipline and ways to increase community support for successful early adolescent development.

In the course of that work, I have experienced how strong the motivation can be for youth at this age to fit in or be accepted. Through interviews and questionnaires, we found that the rate of teasing and harassment among peers climbs in middle school. Adolescents are called names, threatened, gossiped about, shunned, and sometimes hit. We have also learned a lot about what kinds of things trigger such teasing. For example, in one middle school we asked the school's "leadership class" to list the things about a child that would make it more likely that he or she would be teased. The list included: being small, wearing glasses, being an "A" student, being unattractive, and wearing clothes that are not in fashion. This work gave me an increased appreciation of how

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strongly many adolescents are motivated to be accepted by their peers and the importance of self-image for that acceptance.

B. Research on Youth Smoking Prevention

Q: Let's focus on your research regarding the prevention of adolescent smoking. Generally, can you give us an overview of the extent of your prevention research?

A: I have received funding continuously since approximately 1979 for research on the topics I just described. I have received 19 grants awarded by seven different institutes at the National Institutes of Health (NIH). The total amount of funding derived from those grants was over $41 million. Nine of the grants focused partly or entirely on tobacco use and prevention research. The total funding of those grants was over $35 million. They came from three different institutes.

Q: How are decisions made about which grant proposals receive funding?

A: The National Institutes of Health has a system of peer review of proposals in which scientists working in the area relevant to a proposal convene in committees to review the proposals. Conflict of interest procedures prevent persons from reviewing proposals of close colleagues or those whose funding might benefit the reviewer. The role of people who work on the program side at NIH is quite limited. They cannot participate in the deliberations of review committees and, once proposals have received priority scores from the committee, program officers have little discretion to deviate from funding the projects in the order of ranking.

NIH personnel who administer the review committees also have little influence on the priority scores given by the committees. They cannot vote and cannot comment on the substance of the proposals under review.

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Q: What sort of research have you performed on adolescent smoking?

A: The primary focus of this research has been to develop and test programs to prevent adolescent smoking. In the process of doing this, we have also analyzed the correlates of adolescent smoking with the measures of risk factors we had available.

Q: How many smoking prevention programs have you developed or evaluated?

A: From about 1979 to the present, I have participated in the development and evaluation of five programs.

Q: Tell us about your work on these programs.

A: In 1979, I received a grant, along with two colleagues, to develop and evaluate a classroom-based smoking prevention program. The classroom-based curriculum that we developed focused primarily on teaching adolescents refusal skills for resisting peer pressures to smoke. We evaluated this curriculum in two studies.

Q: Did you consider the psychological needs of adolescents in developing this prevention program?

A: Yes. In order to create a program that would motivate adolescents not to smoke, it was essential that the program link not smoking to the achievement of outcomes that were important to adolescents.

Q: Please describe how you considered or addressed the psychological needs of adolescents in this program.

A: We considered, for example, the influence that peers have on adolescents' smoking. As our work and the work of others has shown, adolescents whose friends smoke are significantly more likely to smoke themselves. As I stated earlier, and will elaborate below, adolescents have a strong need to be accepted by their peers. Adolescents are

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more likely to take up smoking if they perceive that smoking will help them gain peer acceptance. For this reason, it was important that our prevention program influence adolescents to perceive that smoking was *not* a route to peer acceptance.

Q: How did you do this?

A: We did it in a number of ways. First, we did classroom exercises in which students received instruction and watched videotaped models of refusal skills for handling situations in which someone might ask them to smoke. Students practiced ways of refusing in small groups and acted out these situations before the whole class. In addition, students were asked to make an explicit commitment not to smoke and were given accurate feedback about the number of students who actually smoked. This feedback was given because of the evidence that adolescents overestimate how many of their peers smoke and because such overestimations lead them to try smoking.

We designed all of these activities to counter peer influences to smoke. The refusal skills training was designed to provide adolescents with ways of interacting with peers that would not require them to smoke, but would help them be accepted by their peers. Their participation in the refusal skills training and the other classroom exercises was also designed to increase students' perceptions that most of their peers did not smoke and did not want to smoke. In other words, we hoped that students would conclude that the peer acceptance they so desired could be achieved by not smoking.

Q: What was the effect of this program?

A: The effects were mixed. In the first study, from 1979 through 1985, we found that the program did have a beneficial effect on measures of students' refusal skills; and there was a lower rate of smoking among those who were already smoking when the program

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began, but there were no beneficial effects for other students. A paper describing this study, Biglan, Severson, Ary, Faller, Gallison, Thompson, et al., 1987, is in my curriculum vitae (U.S. Exhibit 78,524).

In the second study, conducted in 1982 through 1986, we also found that, among teenagers already smoking, the program produced lower rates of smoking than for those who didn't get the program; but among boys who had not yet smoked, there was evidence that their smoking increased after the program. A peer-reviewed paper describing this study, Biglan, Glasgow, Ary, Thompson, Severson, Lichtenstein et al., 1987 (U.S. Exhibit 73,223).

Q: Were the papers describing these two studies published in peer-reviewed journals?

A: Yes.

Q: Did you evaluate other prevention programs?

A: Yes. In 1984, we developed a more extensive and elaborate prevention program designed with components for grades six through twelve. This program made use of videotapes both to affect refusal skills and to reduce students' receptivity to tobacco advertising.

Q: How did you address students' receptivity to tobacco advertising?

A: We used videotapes and classroom exercises to teach students about the appeals of tobacco advertising, to get them to analyze how tobacco advertising makes cigarettes appealing, and to rewrite the advertisements to make them more accurate. For example, a student might write on an advertisement that shows a handsome man and the Marlboro brand that the man was likely to die of lung cancer. A description of the video for eighth grade stated that the "video makes specific points about the tobacco industry and its

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attempt to target a teenager audience by associating smoking with adulthood [and] athletic ability...." A paper we published in a peer-reviewed journal describes this intervention. The paper is in my curriculum vitae as Biglan, James et al., 1988 (U.S. Exhibit 78,524).

Q: How did these exercises address adolescents' psychological needs?

A: The exercises were designed to "taint" cigarette advertising in adolescents' minds and thereby break the connection between smoking and images of peer acceptance and self-confidence (among others) so that teenagers would no longer perceive that smoking could help them fulfill these needs.

Q: What was the effect of this program?

A: The results for this program were a little better. We found that the intervention had a significant effect on the rates of smoking among those who were already smoking at the beginning of the program. However, it did not affect smoking among those who had not previously smoked. We published the evaluation of the program in a peer-reviewed journal, *The Journal of Behavioral Medicine*. The paper is Ary, Biglan et al., 1990 in my curriculum vitae (U.S. Exhibit 78,524).

Q: Did you do any further tobacco prevention research?

A: Yes.

Q: Please describe that research.

A: Based on the results I just described, we felt that a new initiative was needed. We decided to develop and evaluate a community-wide intervention to prevent adolescent smoking and see if it would do a better job than simply having the type of school-based programs we had previously developed and evaluated. Beginning in the early 1990s, we

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conducted Project SixTeen. We randomly assigned sixteen small Oregon communities to receive either a classroom-based curriculum alone or to receive the classroom program plus the community intervention. The community intervention had four components: media designed to generate support for smoking prevention efforts, youth anti-tobacco activities, a youth access reduction program, and family communications about tobacco.

Q: Could you describe the access reduction component?

A: This was a program to reduce illegal sales of tobacco to young people by rewarding clerks for not selling tobacco to them. Teenagers working for our project attempted to purchase tobacco. If clerks were willing to sell, the teenager handed them reminders of the law. If the clerks refused to sell, they received a gift certificate worth $5 to $10 and the stores received public recognition of their refusal.

Q: What were the results?

A: Research we published showed that the program brought about substantial decreases in illegal sales in the eight communities in which we implemented it. Two peer-reviewed publications describe these findings. They are listed as Biglan, Henderson, et al., 1995 and Biglan, Ary, et al., 1996, in my curriculum vitae (U.S. Exhibit 78,524).

Q: Has the Reward and Reminder Program been used in other places?

A: Yes. Two states, Wyoming and Wisconsin, have since implemented the program. In both cases, the implementation of the program led to reductions in sales rates to below 10%. The figure on the following page illustrates the impact of the program.

Q: Did Project SixTeen incorporate elements based upon your experience with, or research about, the psychological needs of adolescents?

A: Yes.

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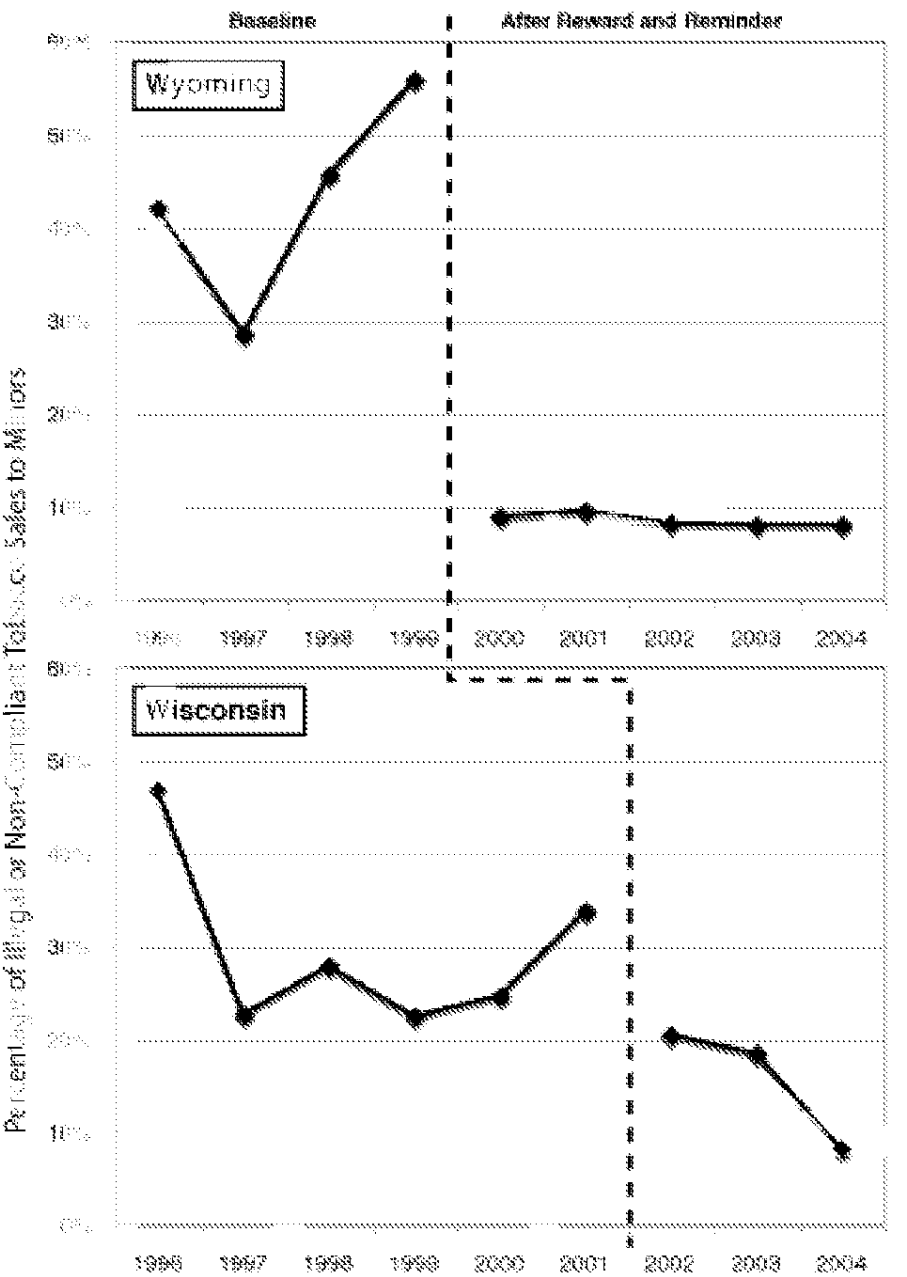

Q: What elements were incorporated?

A: The school-based program was the same one I described above. As I explained, that program was designed to influence adolescents to conclude that not smoking would be a better way than smoking would be to fulfill their psychological needs for peer

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acceptance, excitement, fun, health, and a positive self-image. However, the community intervention added a youth anti-tobacco component created to further link these adolescent needs to not smoking. Students designed and participated in extracurricular anti-smoking activities such as conducting smoking prevention activities with younger students, running health fairs, and creating anti-smoking sidewalk art.

Q: How did youth anti-tobacco activities address adolescent psychological needs?

A: We fashioned these activities to provide opportunities for positive interactions among teenagers in the context of their making public commitments not to smoke and to foster the association between social acceptance and not using tobacco. These activities also helped to increase the perception that other teenagers were opposed to smoking. At the same time, many of them provided fun, excitement, and boy-girl interactions, which, as I will describe later in my testimony, are important motivators for most teenagers.

An evaluation of the impact of both the youth anti-tobacco component and the family communications component was published in a peer-reviewed journal, *American Journal of Community Psychology*. It is Biglan, Ary, Yudelson et al., 1996 in my curriculum vitae (U.S. Exhibit 78,524).

Q: Did Project SixTeen address the tobacco companies' marketing of cigarettes to adolescents?

A: Yes, it did. In the media advocacy, the youth anti-smoking activities, and the school-based curriculum that were part of Project SixTeen, we tried to counter the influence of tobacco advertising.

Q: How did you do that?

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A: One way we tried to do that was by mailing fact sheets to community leaders that were designed to increase community support for youth smoking prevention.

Q: What information did you include relevant to cigarette marketing?

A: One fact sheet consisted of facts about the Joe Camel campaign with references to the empirical evidence. It was titled, "The Case Against Joe Camel." Sample facts, together with the evidence cited, were as follows:

> After Joe started selling Camels, the company's market share went from 3.9% to 4.3% in 1990, and has continued to increase.
>
> - Why is Joe such a successful salesman for such a lethal product?
> - He's a "cute"—but macho—cartoon character who drives race cars, rides motorcycles, water skis or hangs out in gambling casinos.
> - He's sexy!—always surrounded by women. His beach etiquette: "Run into the water. Grab someone and drag her back as if you've saved her from drowning. *The more she kicks and screams the better....*"
>
> According to recent research:
>
> - Over 90% of 6-year-olds recognized Joe Camel and knew he stood for cigarettes.
> - 32% of those under 18 smoke Camels—over twice as many as those 18 to 24.
> - Joe Camel has increased RJR's share of the illegal children's cigarette market from .05% to 32%—about $476 million per year in sales to the children they say they don't sell to.

DiFranza, J.R., Richards, J.W., Paulman, P.M., Wolf-Gillespie, N. Fletcher, C., Jaffe, R.D., & Murray, D. (1991). RJR Nabisco's cartoon camel promotes camel cigarettes to children. *Journal of the American Medical Association, 266,* 3149-3153.

Fischer, P.M., Schwartz, M.P., Richards, J.W. Jr., Goldstein, A.O., & Rojas, T.H. (1991). Brand recognition by children aged 3 to 6 years. *Journal of the American Medical Association, 266,* 3145-3148.

Pierce, J.P. Gilpin, E. Burns, D.M., Whalen, E., Rosbrook, B., Shopland, D. Johnson, M. Does tobacco advertising target

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young people to start smoking? *Journal of the American Medical Association, 266,* 3154-3158.

Q: Was there evidence that the community intervention was effective?

A: The study provided modest evidence that the community intervention prevented more adolescent smoking than was true in communities that only received the classroom-based program.

Q: Was the evaluation of Project SixTeen published?

A: Yes. The results of the program as a whole were published in the peer reviewed journal, *Tobacco Control*. It is listed in my curriculum vitae (U.S. Exhibit 78,524) as Biglan, Ary et al., 2000.

Q: Have you performed other research related to the work you have conducted on these smoking prevention programs?

A: Yes. In the process of evaluating the smoking prevention programs I just described, we were able to collect additional data relevant to peer and parental influences on adolescent smoking.

Q: What did you find in these studies?

A: We generally found that adolescents whose friends smoked were more likely to be smokers. The evidence about an association between parental smoking and adolescent smoking was more mixed. However, we did find some evidence that parental monitoring of their teenager's behavior was a predictor of the teenager's association with deviant peers and of the teenager taking up smoking.

Q: Did you publish this research in peer-reviewed journals?

A: Yes, there are a number of papers. They include Kniskern, Biglan et al., 1983; Biglan,

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Severson et al., 1983; Biglan, McConnell et al., 1984; Friedman, Lichtenstein, & Biglan, 1985; Ary & Biglan, 1988; Biglan, Duncan et al., 1995; Ary, James, & Biglan, 1999; Biglan & Smolkowski, 2002, all listed in my curriculum vitae (U.S. Exhibit 78,524).

Q: Are you currently involved in any research on prevention programs?

A: Yes.

Q: What does it entail?

A: I am currently involved in a project that is evaluating family communications and youth anti-smoking activities to prevent adolescent tobacco use.

Q: What does that project involve?

A: We have randomly assigned 40 middle schools in Oregon to receive or not receive the intervention and we are tracking the program's impact on the prevalence of middle school students' tobacco use.

Q: What is your involvement?

A: I am the Principal Investigator on the project and was involved in designing the intervention and the study that evaluates it.

Q: Does this project incorporate any information based upon your knowledge of the psychological needs of adolescents?

A: Yes.

Q: What kind of information was incorporated?

A: This program has a youth anti-smoking activity component. As I stated above, such activities associate not smoking with having friends, fun, excitement, success, and a positive self-image.

Q: Does the program address industry marketing of tobacco?

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A: Yes it does. Students and their parents receive a series of videos from their school that they watch together at home. One of those videos discusses the influence of tobacco marketing on adolescent tobacco use. It is designed to sensitize adolescents to the influence of cigarette brand advertisements and to encourage them to react negatively to these advertisements, rather than to form the impression that they can achieve positive outcomes by becoming a smoker. After watching the video, students and parents together do an activity designed to solidify the teenager's commitment not to smoke.

Q: Have you evaluated this research yet?

A: No. We do not yet have results of this project.

Q: Are there other smoking prevention programs that you are working on?

A: Yes. We have just begun a project at ORI in which we are trying to develop direct mailings to teenagers and their parents that would motivate adolescents not to smoke. We are trying to convey the message that popular people do not smoke, that smoking harms others, and that smokers typically are not socially successful.

Q: In your work on this project, how, if at all, have you employed your understanding of adolescent needs?

A: We have designed each of the themes in our mailings to speak to a key adolescent need. Both the theme that popular people don't smoke and that smokers are socially unsuccessful are direct attempts to counter images of smokers as socially accepted and popular and to further the perception that social acceptance will be better achieved by not smoking. The message that smoking harms others is not so much a health message as an effort to associate not smoking with being a caring and mature person.

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Q: For each of the tobacco intervention programs you have developed, have you considered the influence of tobacco marketing in how you structure the program?

A: Except for our earliest efforts in the early 1980s, all of the preventive interventions that I have developed with my colleagues at ORI have included efforts to counteract the influence of tobacco marketing on young people. The smoking cessation program did not address cigarette advertising.

Q: Why does ORI include efforts to counter the influence of tobacco marketing on adolescents in its prevention programs?

A: Because research shows that such marketing motivates adolescents to smoke by associating advertised brands with appealing images of the smokers of those brands. For this reason, we keep trying to find ways to undermine the association of appealing images with smoking. One example is the design and creation of videos for our family communications intervention. We included material designed to get parents and youth to understand how the tobacco companies try to make cigarettes and smokeless tobacco appealing to youth and to react in negative ways to the images of smokers that such advertising conveys.

Q: Have you worked on any other tobacco intervention programs?

A: Yes.

Q: Please tell the Court about them.

A: During the 1990s, ORI collaborated with the Center for Health Research at Kaiser Permanente in Portland, Oregon to develop and evaluate tobacco interventions within Kaiser's HMO. There were five different projects: (a) smoking cessation for hospitalized patients, (b) smoking cessation for patients seen in clinics, (c) smoking cessation for

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adolescents, (d) cessation of smokeless tobacco use in a dental clinic, and (e) a worksite intervention on smoking cessation.

Q: What was your involvement?

A: I had two roles. I was the Principal Investigator on the adolescent smoking cessation project and I was in charge of developing videos that accompanied each of the interventions.

Q: For your work on the Kaiser programs, did you incorporate any knowledge or information based upon your experience or on research regarding the psychological needs of adolescents?

A: We certainly made use of my knowledge of adolescents' psychological needs in designing the adolescent smoking cessation program.

Q: How did you do that?

A: The success of the program required that we understand the psychological needs of each adolescent and see if we could find ways to help each of them achieve those needs without smoking. The program consisted of brief visits to a nurse by adolescents who were enrolled in the Kaiser HMO and had already experimented with cigarettes. Our nurse interventionists attempted to befriend the teenagers, understand the most important issues in their life and, within that context, develop a plan for quitting that was likely to work for each teenager. The nurses were generally very nurturing and empathetic people who achieved good rapport with and participation by adolescents.

Q: What was the result of this program?

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A: Like many other evaluations of adolescent smoking cessation programs, we found that we could not achieve a higher rate of cessation for adolescents who participated in the program than for adolescents randomly assigned not to receive the program.

Q: Your testimony today involves adolescent psychology and its application to cigarette brand advertising. Can you please explain how your experience in adolescent psychology equips you to examine and analyze the imagery that Defendants use to advertise and market cigarettes?

A: I can apply my understanding of adolescents' needs to the images and themes in Defendants' cigarette advertisements and other marketing pieces and I can determine whether those images and themes would appeal to adolescents. Moreover, it equips me to understand Defendant s' internal research memoranda that discuss the imagery in their advertisements and to evaluate its relevance to adolescents.

C. Publications

Q: How many publications have you written?

A: Between 1970 and 2004, I wrote or co-wrote 126.

Q: Of these, how many are articles in peer-reviewed journals?

A: Of these, 94 are in peer-reviewed journals.

Q: What subject areas do your publications cover?

A: I have published papers on a number of substantive areas of public health including tobacco, alcohol, and other drug use; high-risk sexual behavior among adolescents; adult depression; parenting skills interventions for parents of both children and adolescents; the treatment of chronic abdominal pain of children; insomnia; test-taking anxiety; chronic

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and social anxiety; and social skills deficits. I published a description of a clinical intervention for severely distressed parents of developmentally delayed children.

Over the last 15 years, I have published a book and a number of journal articles concerning the movement within the behavioral sciences toward more population-based research that includes analysis of the role of organizations in affecting the prevalence of problems in populations. These have included an analysis of the evolution of the practices of the tobacco industry and the tobacco control community in recent years, as each has tried to achieve its goals related to smoking and smoking prevention and cessation.

I have also published papers on the philosophy of science and on methodological issues involved in behavioral science research.

I have published on organizations, including work on leadership and the nature of university organizations, as well as on the evolution of the practices of organizations as a function of the material consequence of those practices.

Q: How many articles have you published on the topic of adolescent smoking behavior?

A: Forty-seven of my articles specifically focus on adolescent tobacco use, of which 42 are peer reviewed.

Q: What books have you authored?

A: In 1995, I wrote a book, *Changing Cultural Practices: A Contextualist Framework for Intervention Research*, published by Context Press in Reno, Nevada, listed in my curriculum vita, (U.S. Exhibit 78,524). It concerns intentional efforts to change cultural practices, focusing particularly on cultural practices that affect human well-being, such as childrearing practices, tobacco control practices, and sexism.

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In addition, two books came out of my work at the Center for Advanced Study in the Behavioral Sciences in Palo Alto, California.

D. Center for Advanced Study

Q: What was your work at the Center for Advanced Study?

A: In 2000-2001, I spent a year—by invitation—at the Center for Advanced Study in the Behavioral Sciences. The Center asked me to assemble and lead a team of scientists in reviewing and summarizing knowledge about the development and prevention of youth problem behaviors. The Robert Wood Johnson Foundation and a consortium of agencies at the National Institutes of Health (the National Institute on Drug Abuse, the National Cancer Institute, the National Institute on Alcohol Abuse and Alcoholism, and the Office of Behavioral and Social Science Research) funded the project.

Q: What resulted from your work?

A: This effort led to two books. I am the first author on *Helping Adolescents at Risk: Prevention of Multiple Problem Behaviors*, published by Guilford Press in 2004. This book summarizes the evidence and defines next steps for research and practice on dealing with youth with multiple problem behaviors. A second book produced during this year provides brief summaries of what we know about the development, prevention, and treatment of adolescent problems. I was the first editor and wrote several chapters of the 2003 Plenum Press book, entitled *Preventing Youth Problems.*

E. Public Health Perspective

Q: Earlier you testified that you have moved, over the years, toward a public health perspective in your study of human behavior. Could you say more about what you mean by that?

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A: A public health perspective involves a focus on the incidence and prevalence of a disease or a health-relevant behavior in a defined population. The defined population might be a community, state, nation, or set of nations. The concern of a public health perspective is to understand *all* of the variables or factors that affect the incidence or prevalence of a problem and to use that understanding to reduce the incidence or prevalence of the targeted problem.

Q: How is that different from the orientation you began with?

A: Since I received training as a social and clinical psychologist, my orientation differed from a public health perspective in two ways. First, as a clinical psychologist, I focused on the influences of psychological factors and the immediate social environment on behavior and tended not to look at the larger social context influencing behavior. Second, as a clinical psychologist, I naturally was more oriented toward how I could help individuals change behaviors they wanted to change through means that were under their or my control.

Q: Could you give an example of what you mean by that?

A: Well, if I were working with an adolescent who was having problems in school I would focus on the specific behaviors of the adolescent, the psychological needs of that teenager that might be motivating those behaviors, and the things that the teenager and the parents might do to help the adolescent change his or her behavior. Over time, I, and most other psychologists, realized it was important to analyze and intervene in the school environment in order to change an adolescent's behavior. So, I might set up a system where teachers gave a daily report to parents about the adolescent's behavior so that the parents could reinforce the teenager's progress at school. However, even in this example,

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a clinical psychologist working with individual families would not be able to affect larger social system issues that might be important influences on the behavior of the adolescent.

Q: Why not?

A: Well, the organization of the school itself might be a factor that was contributing to the teenager's problems. For example, there is growing evidence that middle schools—as opposed to kindergarten through eighth grade elementary schools—increase problems among adolescents. Moving from our current system of middle schools to a K through 8 arrangement might be a positive step, but a clinical psychologist working only with an individual family would be unable to effect such a change.

Q: Do your publications reflect this transition to a public health orientation?

A: Yes, they do. In 1990, I began publishing papers that discussed the need to understand the influence of the larger social context on the behavior of individuals and the interactions among family members.

Q: Can you identify specific publications?

A: Yes. In 1990, I published a peer-reviewed paper with Russell Glasgow, Ph.D., and George Singer, Ph.D., entitled, "The Need for a Science of Larger Social Units: A Contextual Approach," listed in my curriculum vitae, In it, we argued that behavior strategies that focused only on individuals and families were beginning to reach the limits of their effectiveness and that "[c]ontinued progress may require more attention to the larger context within which problems of individuals occur. As the environmental determinants of behavior of individuals are identified, the question becomes how those environments themselves can be modified." We further stated, "Research has begun to identify the limitations of interventions delivered to individuals, families, or small

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groups. Such limitations generally involve variables in the context of the target group that cannot be affected by one-on-one and group interventions." Biglan, A., Glasgow, R.E., & Singer, G. (1990). The need for a science of larger social units: A contextual approach. *Behavior* Therapy, 21, 195-215 at 196 and 197.

Q: How is this relevant to the conclusions you've reached in this case?

A: All of these considerations apply directly to the problem of tobacco use in our society. Indeed, we discussed how they apply to tobacco use at length in the paper I just cited. We summarized the influences on the tobacco use of individuals:

> (a) the reinforcing and addictive properties of nicotine, (b) the aversiveness of smoking attributable to morbidity and mortality, (c) the social influences for and against tobacco use by friends, family, health care providers, advertising, and other media. The immediate social influences are in turn a function of the production, sales, and lobbying of the tobacco industry to encourage tobacco use and the organized activities of anti-tobacco forces to discourage its use. The actions of both the pro- and anti-tobacco industries are ultimately a result of the exigencies of their survival. The profits produced by manufacturing and marketing practices of tobacco companies appear to be the outcome that maintains these practices. The effective outcomes for the health care structure appear to include the successful treatment of disease as well as financial outcomes.

Biglan, A., Glasgow, R.E., & Singer, G. (1990). The need for a science of larger social units: A contextual approach. *Behavior* Therapy, 21, 204-205.

Q: Are there other papers in which you discussed the role of the practices of the tobacco companies in promoting tobacco use?

A: Yes. I have elaborated upon this basic analysis in my book on cultural practices and in a peer-reviewed paper, Biglan & Taylor, 2000a, listed in my curriculum vitae, Exhibit 78,524.

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Q: Can you give us an example?

A: In my 1995 book, *Changing Cultural Practices,* I devoted a chapter to the cultural forces that influence tobacco use. I discussed the function of tobacco marketing practices in recruiting new smokers as well as the way in which tobacco industry lobbying functions to maintain a positive public perception of smoking and of the tobacco industry, thereby preventing restrictions on the industry's marketing practices.

Q: Is your public health perspective limited to your work on tobacco use?

A: No. I wrote and published numerous peer-reviewed papers between 1993 and 2004 and presented numerous talks on what this perspective implies for reducing antisocial behavior, preventing substance use, generally improving the outcomes of the childrearing practices of our society, and reducing marital conflict.

Q: Are these publications listed in your curriculum vitae?

A: Yes. The paper I mentioned above with Glasgow and Singer addresses a public health perspective more generally. Also, I published a paper with Dr. Metzler in 1998 on a public health approach to research on family interventions. The paper is listed in my curriculum vitae as Biglan and Metzler, (1998) (U.S. Exhibit 78,524).

F. Professional Positions

Q: Have you ever been associated with any professional organizations?

A: Yes. I have been a member of the Association for the Advancement of Behavior Therapy, the American Psychological Association, the Association for Behavior Analysis, and the Society for Prevention Research. I am also a Fellow in the Society for Community Research and Action.

Q: Have you been involved in the leadership of any of these organizations?

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A: Yes. I have been on the program committee of the Association for Behavior Analysis and chaired the Society for Community Research and Action's committee on advocacy. I have been on the board of directors of the Society for Prevention Research since 1997 and have led their strategic planning process. In 2003, I became President-Elect of the society; in June of 2005, I will become president for two years.

Q: Please tell the court about your work with the Society for Prevention Research.

A: Prevention science is a relatively new field. In most areas of human behavior and public health, the emphasis was initially on treating problems after they develop. But over the last 30 years, there has been increasing effort to identify ways to prevent problems before they occur and there is growing evidence of our ability to do this. The Society was formed out of the coming together of prevention researchers who are making progress in diverse areas, such as youth substance use, depression, and antisocial behavior.

My own work in the Society has involved a continuation of the work I was doing at the Center for Advanced Study. A key development in prevention science and practice is the use of systems for monitoring youth well-being. Recently, I prepared a brief monograph on the developing practice of monitoring the well-being of children and adolescents in communities. The Society for Prevention Research published this monograph as part of its effort to promote the development of effective preventive practices. It is entitled, *Community-monitoring systems: Tracking and improving the well-being of America's children and adolescents* (Mrazek, Biglan, & Hawkins, 2004).

I have also participated on a committee on standards of evidence for the Society. Thanks to the committee, the Society recently adopted a set of standards for the evaluation of preventive interventions and published them as *Standards of evidence:*

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Criteria for efficacy, effectiveness, and dissemination (Society for Prevention Research, 2004).

Q: Have you had any leadership roles at ORI?

A: I have been on the Board of Directors of ORI since 1979, with the exception of one year during which I was at the Center for Advanced Study. I chaired the board from 1990 to 1992. I led the organization's strategic planning process during my tenure as Chair of the Board.

G. Consultanting

Q: Have you been a consultant to any government agencies regarding matters of public health?

A: Yes. From 1996 to 2000, I was a member of the Epidemiology and Prevention Review Committee of National Institute on Drug Abuse, where I reviewed grant proposals, in the system I discussed above.

From 1998 to 2001, I was a member of the Behavior Change Expert Panel of the Office of National Drug Control Policy (ONDCP). The panel had the responsibility for advising ONDCP in the development of its media marketing campaign to prevent adolescent drug use. We helped develop plans for the campaign and set up a system for assessing the impact of advertisements. Together with another psychologists and a marketing expert, I wrote the creative brief that guided advertising agencies in developing advertisements to motivate parents to prevent their children's drug use. There was some evidence that the campaign increased parents' monitoring of their children's activities, a practice that is essential to preventing problem behavior of adolescents.

Q: Dr. Biglan, what is the rate at which you have received compensation in this case?

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A: I am receiving compensation of $250 an hour.

Q: Have you ever served as an expert witness in other litigation?

A: No. This is the first and only time I have ever been retained as an expert witness in litigation.

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II. Psychological Needs of Adolescents

A. Summary of Conclusions

Q: Please define for the Court the field of adolescent psychology.

A: Adolescent psychology is the study of the development of young people during the period from childhood to adulthood. That period corresponds roughly to the second decade of life. Adolescent development involves the changes that occur in biological, behavioral, and cognitive functioning during this period as well as the changes that occur in adolescents' social context—including their families, peer groups, and schools.

Q: Before we discuss adolescent psychology, would you briefly explain how adolescent psychology is relevant to your conclusions in this case?

A: In order to determine whether cigarette marketing influences teenagers to smoke, we first need to understand the experiences and needs of adolescents. We can then ask whether those needs make adolescents vulnerable to the themes and images that tobacco companies associate with smoking.

Q: What is the question you examined in this case?

A: The question I examined is whether the images and themes the tobacco companies created for use in their marketing of cigarette brands motivate adolescents to smoke. Put another way, I examined whether the tobacco companies, through their marketing, communicate to adolescents that smoking these cigarette brands will satisfy important adolescent needs such as being popular, accepted by peers, cool, independent, attractive, or masculine or having lots of excitement and fun.

Q: In studying that question, did you reach any conclusions?

A: Yes.

Q: What did you conclude?

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A: Tobacco companies understand what motivates adolescents to smoke, such as desires to be popular, masculine, independent, cool, rebellious, or to have excitement. The companies use their understanding of adolescent needs to create images in marketing their brands (e.g., Marlboro, Camel, Newport) that convey to adolescents they can achieve such desired outcomes by smoking these brands. In short, tobacco companies market cigarettes to adolescents by exploiting the psychological needs of adolescents.

Q: Upon what do you base this conclusion?

A: I base this on the published literature on adolescent development, as well as on my own research and clinical work with adolescents and their families that I mentioned earlier when discussing my credentials. I also base it on the internal documents of Defendants.

B. Changes During Adolescence

Q: Have you prepared a chart that identifies studies of adolescent development and adolescents' psychological needs that you have relied upon?

A: Yes, it is Demonstrative 1.

Q: Now, based upon the research literature and your research and work with youth, please start by explaining what occurs during adolescence.

A: Adolescence is a period of substantial change. The most important changes include: (1) puberty; (2) increasing independence from parents; (3) changes in school, namely the organization of middle and high school; and (4) an increase in the importance of peers.

1. Puberty

Q: Let's turn to the first significant change you mentioned—puberty. What are some of the biological changes that adolescents experience during puberty that are relevant to your conclusions?

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A: Adolescence marks the most significant period of change in human biological development; the most important facet of adolescent development is puberty. Puberty involves: rapid acceleration in growth, development of primary and secondary sex characteristics, changes in the quantity and distribution of fat and muscle, and in the circulatory and respiratory systems that contribute to increased strength and endurance.

Q: At what age does puberty normally begin?

A: There is substantial variability in the onset of puberty, with its onset varying by as much as five years. Puberty typically begins sometime between the ages of 10 and 15 years old. This means that many adolescents may be considerably more or less physically mature than peers with whom they interact every day. On average, puberty begins earlier for girls than it does for boys.

Q: From the perspective of adolescent psychology, what are some of the consequences of the biological changes adolescents undergo during puberty?

A: These biological changes affect the body image of both sexes, but particularly adolescent girls. Puberty brings with it an increasing interest in the opposite sex. Growth and sexual maturation also increase adolescents' desire for independence and autonomy.

2. Increasing Independence From Parents

Q: You testified about a second change during adolescence involving adolescents' independence from their parents. What changes occur?

A: There is an increase in adolescents' desire to participate in decision-making and an increase in their demands for autonomy. There is also typically a decrease during adolescence in how much parents supervise or monitor the activities of their offspring.

Q: What happens as a result of these changes?

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A: In many families, conflict increases as adolescents demand more autonomy and parents attempt to monitor and set limits on their adolescent's activities. Sometimes this results in parents gradually granting increased autonomy as the adolescents demonstrate their ability to use their new freedoms appropriately. However, sometimes, conflict continues and the adolescent becomes rebellious or defiant. Often parents give up attempts to monitor and to set limits on their teenagers' activities.

3. Changes in School

Q: Third, you mentioned that the organization of middle schools and high schools is a change that adolescents experience. What specifically happens?

A: For most adolescents, there are two transitions, one from elementary to middle or junior high school and the other to high school. Important changes in both the social and academic environment of adolescents accompany these transitions. These changes include decreased support from teachers, increased academic competition, and increased importance of peer group relationships.

Q: How do these changes affect an adolescent?

A: They contribute to an adolescent's need to bolster his or her self-esteem and sense of competence and lead many adolescents to become less interested in academics and more interested in social success.

Q: How are these changes relevant to adolescent development?

A: They have an impact on the way young people think about school, about themselves, and about their peer group.

Q: What does the research show happens to teacher support when an adolescent moves beyond elementary school to middle school and high school?

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A: Support from teachers diminishes when young people leave elementary school.

Q: Is that significant?

A: Yes.

Q: Why?

A: Teacher support contributes to adolescents' self-esteem, valuing of academics, feelings of academic competence, and academic success. So there is a lessening of support at the same time that adolescents have a greater need for self-esteem and other values associated with the academic experience. Therefore, it is not surprising that numerous studies show that academic performance suffers when young people transition out of elementary school. Interestingly, while there generally tends to be less teacher support in middle school, middle school teachers are significantly more likely than elementary school teachers are to believe in strongly controlling and disciplining students and tend to trust students less.

Q: How do these beliefs about control, discipline, and trust interrelate with adolescents' needs?

A: These beliefs directly clash with students' growing needs for autonomy. Across grades, adolescents have an increased desire for a say in decisions about what happens in the classroom.

Q: What does the research show about academic competition as young people move from elementary school to middle school and high school?

A: Evidence indicates that academic competition increases once young people leave elementary school. Typically, elementary schoolwork emphasizes an individual student's accomplishments rather than comparisons of one student's performance with that of other

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students. In middle school and beyond, the focus shifts to the performance of each student relative to his or her peers. These conditions promote students focusing on their abilities relative to their peers more than on their mastery of the material.

Q: Does academic competition play a role in adolescent development?

A: Yes.

Q: Please explain how that works.

A: Generally, adolescents' perceived competence in academic, social, and athletic endeavors and their perceived physical appearance help to support their self-esteem. In middle school and high school, as academic work becomes more competitive in the sense that each student's performance is judged relative to other students' performances, students are increasingly segregated according to academic ability. For those who are less competent academically, this situation, coupled with decreased teacher support, leads to a lowered sense of academic competence, a loss of interest in school, and a decrease in a feeling of belonging. Loss of interest in school and declines in performance continue through high school and lead to declining feelings of self-worth or self-esteem and increased truancy and school drop-out.

Q: What happens to those adolescents who do not succeed academically?

A: Adolescents who are not very successful academically in this new, more competitive, atmosphere will search for other ways to define themselves and feel competent. They may seek success in the social realm, but moving in that direction has its own challenges, as we shall see when we discuss peer relations.

4. The Importance of Peers

Q: You mentioned a fourth significant factor that occurs in adolescence—an increase in

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the importance of peers. How is this change relevant to adolescent development?

A: Popularity and peer approval become critical during this time. This development results, in part, from the above-described changes in adolescents' physical development, family life, and school experience. The increased importance of peer relations also stems from the increased levels of peer harassment and teasing that occur in middle and high school.

Q: What roles do teasing and harassment have in the changing social relations between students during adolescence?

A: Teasing and harassment make some adolescents very motivated to fit in with a group of peers. Fitting in is not just a matter of being liked and approved of by peers, it is often a matter of achieving safety from harassment and teasing through membership in a peer group.

C. Psychological Needs That Result From Changes in Adolescence

Q: You have described four different significant changes that occur during adolescence: (1) puberty; (2) increased independence from parents; (3) changes in school, namely the organization of middle and high school settings; and (4) an increase in the importance of peers. What effects do these changes have on adolescents that are relevant to your conclusion that the tobacco companies market to adolescents?

A: The diverse and substantial changes adolescents experience in their bodies, their family relationships, their school structure and support, and especially, their relationships with peers create strong psychological needs. This makes adolescents vulnerable to cigarette marketing that conveys that smoking can help them meet those needs.

Q: Could you define the term "psychological needs?"

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A: A psychological need is simply a want, wish, or desire to achieve a psychological state, such as the desire to feel masculine, attractive, popular, cool, independent, or to rebel against authority.

Q: Based upon research and your experience, what specific psychological needs result from the changes that occur during adolescence?

A: The changes I have described result in a set of intertwined and powerful adolescent needs: (1) to develop a self-image that bolsters confidence and supports adolescents in their attempts to fit in with peers; (2) to be popular and acquire peer approval; (3) to feel and be seen as independent; (4) to be popular with the opposite sex; (5) in the case of boys, to be seen as masculine, rugged, and tough; (6) in the case of girls, to feel and be seen as attractive; (7) to cope with negative emotions such as anxiety and depression; (8) to experience fun, adventure, and excitement, and take risks; (9) to succeed in school, sports, and social activities; and (10) to rebel against authority.

1. Self-Image

Q: Based upon research and your experience, let's discuss each of the psychological needs that result from the changes that occur during adolescence. First, please describe an adolescent's psychological need to develop a self-image that supports him in his peer relations.

A: We all have a need to feel good about ourselves. However, in adolescence, the need can be particularly acute. Issues of "who I am" become important during this period because of puberty, the increased demands of school, and the heightened importance of the peer group that I just described. For example, a young man who is beginning to mature physically is worried about how he is doing in school. He wants his peers to accept him,

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and he will start to think about how he looks to others—whether he seems "smart" and whether others like him. He will be quite motivated to look and behave in ways he perceives convey a good image.

A self-image is also important in adolescence because it is a time of thinking about all kinds of new roles and experiences. Those of us who have achieved adult work, family, recreational, and civic roles do not have to think about who we are in these terms. The issues are pretty well settled. But in adolescence, numerous possibilities become available for exploration for the first time. These include dating, staying out late, driving a car, getting a job, playing in competitive sports, being a student leader, and so on. As a result, adolescents tune in acutely to information about what older adolescents and young adults do in these realms. By observing others, they can try on images that they might like, such as living an exciting adult life.

Q: Are adolescents' self-images simply a matter of how they view themselves?

A: No, an adolescent's self-image also reflects how the adolescent hopes or believes that others see him or her, including peers. Some developmental psychologists have argued that many adolescents are so acutely concerned with how others view them that they are constantly in the presence of an "imaginary audience."

Q: How do adolescents' self-images help them in their relationships with peers?

A: To the extent that young people can feel they are popular, "cool," tough, masculine or feminine, clever, and so on, they can feel more confident in their interactions with others. Further, to the extent that others view them in these ways, the adolescents will be more likely to be liked and admired by others, to have friends, and to have all the rewards that come with having a set of friends.

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2. *Popularity and Peer Acceptance*

Q: Please describe the adolescent psychological need for popularity and peer approval.

A: The need to fit in or gain acceptance from peers may be the single most important psychological need of most adolescents. The biological, family, school, and peer changes I have described drive this need.

Q: If you can, would you illustrate your point with an example?

A: Certainly. An adolescent boy might notice that he is not growing as fast as other boys, that he is having trouble competing academically, or that he is getting much less psychological support from teachers than he did in elementary school. He might also be experiencing teasing from peers—especially if he is small for his age, doesn't dress well, or is not particularly skilled athletically. Such a boy has many reasons to care about whether his peers like and admire him. If he cannot feel successful academically, perhaps he can achieve a sense of success by being popular among his peers. And, if he can gain acceptance from peers, it will mean that he can escape the put-downs and ridicule that would otherwise pain his every day.

Similarly, a girl might experience an early growth spurt that makes her self-conscious about her looks. She, too, might find that she is not doing well in school and that her teachers make demands on her, but don't seem very interested in her as a person. Especially if she is not very good looking or doesn't have the right clothes, she may be the victim of put-downs from other girls. All of these experiences will contribute to her being very interested—even desperate—to fit in, to know that others like her, or simply to feel accepted.

Q: In addition to escaping teasing from peers, are there benefits to peer acceptance?

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A: Definitely. Peer acceptance brings with it many other rewards. An adolescent who is accepted gets invitations to parties and other fun events, meets members of the opposite sex, gets support from peers for their efforts in school and sports, and gets more involved in extracurricular activities. Being accepted can even make one the center of attention and a leader among students.

Q: Do adolescents' needs for popularity affect their choices of consumer items, behaviors, and activities?

A: Yes. Because their own popularity is so important to many adolescents, they are keenly aware of what are the "in" and popular styles. By choosing a popular brand or activity—such as the latest video game—that is popular with their peers, they can have confidence that others will approve their choices. Since having things in common is a fundamental basis for friendship formation, an adolescent can be sure that they will have things in common with many others simply by choosing the most popular brands and activities.

3. Independence and Autonomy

Q: Please describe an adolescent psychological need to feel and seem to be independent.

A: Growth and sexual development, along with the pull of the peer group, bring about an increased desire for independence and autonomy. As they and their peers see themselves becoming physically more like adults, adolescents increasingly desire and seek behavioral autonomy in which they can make their own decisions about their activities and when they come and go. Parents and teachers typically set limits on young people's autonomy. This heightens adolescents' desire to assert their independence. Learning that something is "for adults only" makes it all the more appealing to adolescents. As adolescents strive to achieve maturity and independence, they are particularly attentive to

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cues about what constitutes independence or maturity. The way in which the peer group often makes it embarrassing to be seen as a "baby" or as being dependent on "mommy" and "daddy" also drives the motivation for maturity and independence. Thus, the appearance of maturity and independence makes adolescents feel more secure with their peer group.

4. To be Popular with the Opposite Sex

Q: Please describe adolescent psychological needs to be popular with the opposite sex.

A: Due primarily to puberty, adolescents experience a substantial increase in interest in the opposite sex, sexual desire, and sexual activity. In this context, it can be extremely important to an adolescent that he/she feels he/she is appealing to the opposite sex. Indeed, in this culture, physical attractiveness is so highly valued that efforts to look good often consume adolescents as they search for information about what defines attractiveness and how they can achieve it.

5. Boys: Masculinity, Ruggedness, and Toughness

Q: Please describe an adolescent boy's need to be masculine, rugged, or tough.

A: It is essential to most boys that they feel they are masculine and that others see them as such. For boys, masculinity is at the core of their self-image. It is vital to their acceptance by most other boys. Most of the girls that they are interested in will judge them in terms of this attribute.

This culture closely links masculinity with images of toughness or ruggedness. If young men make their own decisions and seem to be able to take care of themselves, they think of themselves as manly. They will also appear manly to those around them. This concept of masculinity can create problems for many men in later life, but it is the ideal

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that the majority of adolescents seek. Information about how to look manly, tough, and rugged are thus of great interest to adolescent boys; they will actively seek out this information.

6. Girls: Attractiveness

Q: Please describe an adolescent girl's psychological need for attractiveness.

A: For girls, increased concerns about their physical attractiveness, size, and body image often accompany growth and physical development. Entry into prestigious peer groups also depends on attractiveness. Thus, most adolescent girls are highly desirous of knowledge about what fashions are in vogue, how they can be alluring, and what the latest styles are. Information about celebrities, such as movie stars, is of great interest for clues about what a girl can do to achieve beauty, social success, and romance. By reading about celebrities, they can vicariously experience the popularity that the celebrity experiences and perhaps get some clues about how they too can achieve social success. Girls' puberty prompts increased interest by boys and there is evidence that early pubertal development is a risk factor for involvement in other problems, especially when accompanied by other risk factors. Evidence indicates that early maturing girls get involved with older boys who are already involved in problem behavior. For these girls, their deviant peer group is older boys.

7. Coping with Anxiety and Depression

Q: Please describe an adolescent's psychological need to cope with anxiety and depression.

A: Many of the changes I have described have an emotional impact on adolescents. For example, exposure to bullying, teasing, or harassment is associated with depression,

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loneliness, anxiety, and lower self-esteem. Academic failure and concerns about one's image also contribute to distress. Often the anxiety or depression that an adolescent feels is something he or she has not experienced before. The research shows that the incidence of depression increases in adolescence and occurs at a higher rate among girls than boys throughout adolescence into adulthood.

Q: How do adolescents respond to bullying or teasing incidents that you indicated are common in adolescence?

A: These experiences create an enormous concern among many adolescents about how their peers view them. Adolescents with such a heightened concern are more self-conscious in social situations and have a greater level of social anxiety than other adolescents do.

Q: How do adolescents handle these heightened concerns?

A: Under these circumstances, a young person can be very motivated to find ways to escape such derision and gain acceptance from others. They may try to avoid others, but that is next to impossible in a school situation. They will try to conform to what others think and do by adopting styles, behaviors, and attitudes of their more socially successful peers.

Q: You said that, for many adolescents, depression and anxiety are new experiences. Would you elaborate?

A: For many, adolescence may be the first time they have experienced strong anxiety or feelings of sadness because it is the first time they have encountered the stresses of academic and social competition. Under these circumstances, adolescents search for ways to feel comfortable and look for cues from their environment as to how others achieve relaxation and tranquility. Substance use is one means of trying to control these strong emotions.

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8. *Risk Taking, Excitement, Fun, and Adventure*

Q: Please describe an adolescent's psychological need to experience fun, adventure, and excitement, and to take risks.

A: Partly due to brain development, adolescents experience an increased need for excitement and fun. In psychological terms, adolescence is a period of higher levels of sensation seeking.

Q: What does sensation seeking involve?

A: Sensation seeking involves an intense need for exciting, risky, and adventurous experiences.

Q: When does this period of higher sensation seeking occur?

A: Although there is considerable variation in sensation seeking, on average it increases between ages 9 and 14 and is higher for males than females. It remains elevated or declines slightly until the twenties and declines more substantially from the twenties through the fifties.

Q: What causes or precipitates sensation seeking in adolescents?

A: Studies suggest that sensation seeking is, to a substantial degree, biologically driven. However, the social environment also influences the expression of sensation seeking and the forms of behavior it promotes.

Q: What kind of outlets or activities will adolescents explore in response to this need to take risks and find adventure and excitement?

A: There is a generalized tendency to like novel, exciting, or adventurous activities and stimuli associated with such activities. The particular environment of each adolescent influences the specific activities that he or she might try. For example, a boy might get

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more interested in sports if his friends are also into sports. A girl might pursue "edgy" artistic activities because of the encouragement she gets from those around her.

Q: What is the challenge for families, schools, and communities in raising adolescents who exhibit a need for sensation seeking?

A: Much of the challenge is in finding ways to channel adolescents into safe and healthy activities that also meet their needs for adventure and excitement. Adolescents who are high in sensation seeking are particularly interested in shocking, surprising, or unusual stimuli. In addition, they are readily attracted to things that seem associated with risk or adventure. To reduce their risk of harm, families, schools, and communities need to provide them with exciting activities that meet their needs for stimulation, but minimize the risks to their health and well-being.

9. Success in School, Sports, Social Activities

Q: Please describe an adolescent's psychological need to succeed in school, sports, and social activities.

A: Many of the needs we have already discussed contribute to adolescents' interest in success in school, sports, and social activities. Success in these settings contributes to acceptance by peers and attractiveness to members of the opposite sex. Sports and social activities are also fun and exciting.

Interest in being successful at sports and social activities also heightens adolescents' fascination with sports and entertainment celebrities. Admiring those who are successful in these areas is one way adolescents learn how to succeed in these realms. It is common for a newly successful athlete, for example, to describe athletes that he or she strongly admired while growing up.

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10. Rebellion Against Authority

Q: Please describe an adolescent's psychological need to rebel against authority.

A: The conflict between adolescents' desire for autonomy and the restrictions that schools and parents put on them prompts some young people to become more rebellious. Rebelliousness involves a tendency to resist what authority figures say the adolescent should do and to embrace signs, symbols, and behaviors that communicate defiance of conventional norms.

Q: What types of family and school conditions make rebellion more likely?

A: Families in which there is high conflict and low levels of positive parental involvement are more likely to have rebellious adolescents. Rebellious behaviors include associating with deviant peers, smoking, using other substances, and engaging in delinquent acts.

Restrictions that schools place on students may conflict with adolescents' desires for autonomy. Adolescents with rebellious or aggressive tendencies often get into increasing conflict with school authorities; such conflict further motivates their rebelliousness.

Q: What do you find happens if a student is not doing well in school and also faces rejection by their more popular peers?

A: These adolescents tend to join peer groups of similarly rebellious and generally unpopular peers. For young people with little chance of succeeding in an academically competitive school and among cliques of popular young people, rebellion is a way of rejecting a social world that they cannot enter and thereby coping with social rejection. Such adolescents are typically interested in signs, symbols, and behaviors they can adopt that both defy authorities and show solidarity with their similarly rebellious peers. They

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come to succeed with a peer group, but it is a peer group that supports deviant behavior.

D. Defendants' Cigarette Brand Marketing Images

Q: How are the psychological needs you have just described relevant to the question of whether the images and themes Defendants use in marketing cigarette brands motivate adolescents to start smoking?

A: Adolescents are keenly, sometimes desperately, seeking information about how they can satisfy the needs I just described. To the extent that the tobacco companies communicate—through the themes and images of their marketing—that adolescents can satisfy their needs by smoking one of the advertised brands, adolescents are vulnerable to that marketing.

Q: What cigarette brands have you concluded the tobacco companies are marketing in ways that communicate that smoking the brand will satisfy one or more of the adolescent needs you have described?

A: Marlboro, Camel, Newport, Kool, Parliament, Virginia Slims, Salem, and Winston.

Q: Which tobacco companies market and sell these brands?

A: Marlboro, Parliament, and Virginia Slims are Philip Morris brands. Camel, Salem, and Winston are R.J. Reynolds brands. Newport is a Lorillard brand. Kool is a Brown & Williamson brand. I understand Brown & Williamson and R.J. Reynolds are now one company.

Q: What kind of images or themes do Defendants use in their marketing of these brands?

A: The tobacco companies' marketing imbues each of these brands with themes and images relevant to one or more of the needs I have described. The images include self-

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confidence, popularity, peer approval, independence, attractiveness to the opposite sex, masculinity, femininity, relaxation, excitement, adventure, skill in a wide variety of athletic, social, and work endeavors, and rebelliousness.

Q: What do you mean by the term "image," and how does the adolescent's image of smokers influence him or her to initiate or continue smoking?

A: Several types of images are important. These are: (1) the image that adolescents have of themselves, (2) the image they have of smokers in general, and (3) the image they have of particular brands of cigarettes, and (4) the image they have of smokers of particular brands. The first, the self-image, is simply the way that people think about themselves. Attributes such as "tough," "cool," "masculine," or "adventurous" could describe a self-image. We can also characterize each of the other three types of images: (1) of smokers in general, (2) of the brand, or (3) of the smoker of a brand, in terms of such a set of attributes.

When the image of a smoker of a specific brand embodies attributes that the adolescent desires to have, he or she will be motivated to smoke that brand. For example, if a young man desires to be manly and rugged and believes that smokers of Marlboro are rugged, he will be motivated to smoke that brand in order to feel manly and to appear manly to others. A document produced from the files of R. J. Reynolds, written by Claude Teague and dated February 2, 1973, describes the process rather well:

> The fragile, developing self-image of the young person needs all the support and enhancement it can get. Smoking may appear to enhance that self-image in a variety of ways. If one values . . . an adventurous, sophisticated adult image, smoking may enhance one's self-image.
>
> 502987357-7368 at 7364 (U.S. Exhibits 21,475; 78,782; and 77,237).

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1. Self-Image and Image of the Smoker

Q: Dr. Biglan, would you give us an overview of the empirical evidence relevant to your conclusion that the Defendants' marketing makes cigarettes appealing to adolescents because it conveys to them that smoking those brands can fulfill their psychological needs?

A: As I will show for each tobacco company, the tobacco companies make their youth-targeted brands appealing to adolescents by associating the brand and the smokers of the brand with images that are highly desirable to most adolescents. The tobacco companies have done considerable research on how to establish favorable images of their brands in the minds of young people. I review that evidence in detail below. To respond to your question, however, I will first review research done by psychologists and other public health-oriented researchers that examines how image advertising speaks to the needs of adolescents and thereby influences them to begin or to continue smoking. There is evidence that exposure to cigarette advertising increases the perception that smoking will meet adolescents' needs. Not surprisingly, therefore, we find that adolescents generally perceive that smoking brings a number of youth-relevant benefits and that these perceptions are stronger among those more exposed to cigarette advertising. Finally, there is evidence that those adolescents whose needs are particularly strong are more likely to smoke. I will review the available evidence on these points for each of the adolescent needs I have discussed above.

Q: Is there peer-reviewed literature to support your conclusion that adolescents are motivated to smoke cigarette brands because they believe doing so will enhance their self-image?

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A: Yes. Research shows that one of the primary benefits of smoking that many adolescents perceive is that it will enhance their self-image.

Q: What does that research show?

A: There are two types of findings. First, the evidence shows that adolescents have distinct images of adolescent smokers that include a number of attributes that adolescents desire to have. Second, it shows that adolescents are more likely to smoke if their self-image is like the image they have of a smoker. Smoking reinforces the image of themselves that they are developing.

Q: Let's consider this research in detail. Have you prepared a demonstrative that identifies and summarizes these studies?

A: Yes. I have prepared Demonstrative 2 to identify and summarize these studies.

Q: Dr. Biglan, as we discuss topics in your testimony that relate to this demonstrative, please refer to it in providing an answer. Can you briefly describe the studies?

A: Yes. I have listed seven peer-reviewed studies that examine adolescents' images of smokers and the role of the image of smokers in motivating adolescents to smoke. The first peer-reviewed study looked at differences in the perception of smoking and nonsmoking youth by systematically comparing adolescents' ratings of pictures of youth that were identical, except for the presence of a cigarette. Sixth graders saw the smokers as tougher, wanting to be with the group, drinking more, more interested in the opposite sex, less obedient, less good, trying to act older, less likely to do well at school, less wise, less desirable as a friend, and less healthy. Tenth graders viewed smokers as more tough, more likely to drink, more likely to act big, liking to be with the group more, older, less good, less healthy, and less wise. The majority of youth at both ages saw some of these

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attributes—being tough, having an interest in the opposite sex, and being with a group—as good things that they aspired to.

The study also examined whether adolescents whose ideal self-image on each attribute was closer to that of a smoker than to that of a nonsmoker were more likely to say that they intended to smoke. There were no such relationships for sixth grade boys. However, for sixth grade girls, intentions to smoke were higher if the girls' self-image was closer to their image of a smoker on each of five attributes: wise, relaxed, is good, drinks, and obeys. In other words, girls who saw smokers as more like the way they wanted to be on these dimensions were more likely to intend to smoke.

Among 10th graders, both boys and girls were more likely to intend to smoke if they saw smokers as closer to their ideal than they saw nonsmokers on being interested in the opposite sex. As the authors of this paper state: "[S]moking may be initiated by tenth graders as a way to establish an image of one who is interested in the opposite sex." This study is in Demonstrative 2 as Barton, Chassin, Presson, and Sherman, 1982. (U.S. Exhibit 72,847 at 1507).

Q: What do you conclude from this study?

A: The study shows that adolescents generally do have an image of adolescent smokers that is distinct from the image they have of nonsmoking adolescents. To the extent that adolescents see smokers as having an attribute they desire for their own self-image, they are motivated to smoke.

Q: And the second study?

A: The second peer-reviewed study was similar to the first and is in Demonstrative 2 as Chassin, Presson, Sherman, and Margolis, 1988. It examined ratings by high school

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students of pictures of a boy holding one of the following: (a) a can of chewing tobacco, (b) a pack of cigarettes, or (c) a bag of corn chips. Compared to the boy holding corn chips, the smoker was seen as more rebellious, more brave, more rough/rugged, more likely to use drugs and alcohol, as well as more phony, less good at school, more unhappy, more lazy, more unhealthy, and getting along less well with family. The study also examined whether adolescents' feelings about the smoker image were associated with whether or not they smoked. The study reported that girls who admired the smoker image more than the image of the nonsmoker were more likely to smoke. Boys who admired the nonsmoker image more than the smoker image were less likely to smoke. (U.S. Exhibit 72,869).

Q: What do you conclude from this study?

A: This study also shows that the image that most adolescents have of smokers contains a number of elements that adolescents view as positive. The study also shows that smoking behavior is related to the degree of admiration adolescents have for the images of smokers and nonsmokers. Adolescents smoke when they feel doing so will help them achieve positive attributes that they believe smokers have.

Q: How about the third study?

A: The third peer-reviewed study also compared adolescents' ratings of pictures of young people that differed only in terms of whether the young person was holding a cigarette. It is in Demonstrative 2 as Amos, Currie, Gray, and Elton, 1998. The pictures used in this study were from youth and style magazines. Adolescents rated smokers as higher on the attributes tough/hard, tart/tarty (the study took place in Scotland), druggy, wild, and depressed. They rated nonsmokers as higher on healthy, rich, nice, fashionable, slim, and

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attractive. Smokers and nonsmokers differentially rated themselves in the same way that they differentiated between smokers and nonsmokers in the photographs. That is, the self-images of smokers were more like adolescents' image of smokers than like the typical adolescent image of nonsmokers. In another paper on the same study, the authors of this study reported that smokers were more attracted to negative traits than nonsmokers were. The authors suggest that smoking is a strategy for gaining entry to certain groups, such as those that are wild, rebellious, not interested in school, or into taking risks. (U.S. Exhibit 77,283).

Q: Do you agree with that conclusion?

A: Yes, I do. As I testified earlier, many adolescents have given up trying to fit into the mainstream, popular group and readily embrace a different image, one that they perceive will gain them entry into a peer group of kids generally rejected by the academically and socially successful peers.

Q: Would you describe the fourth study?

A: Yes. This peer-reviewed study took place among 9th and 10th grade adolescents who rated their real and ideal selves, images of smokers and nonsmokers, and their ideal date. Those who rated their self-image as closer to the smoking than the nonsmoking image in terms of toughness, foolishness, acting big, disobedient, and interested in the opposite sex were significantly more likely to report an intention to smoke. Moreover, nonsmokers whose ideal date was closer to that of the smoker than of the nonsmoker were more likely to intend to smoke. Finally, smokers differed from nonsmokers in that they had real self-concepts and ideal dates that were closer to the image of the smoker than to the image of

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the nonsmoker. This study is in Demonstrative 2 as Chassin, Presson, Sherman, Corty, and Olshavsky, 1981. (U.S. Exhibit 72,872).

Q: What do you conclude from this study?

A: The study shows that, as adolescents develop their self-image, they will begin smoking if they perceive that smokers have an image like the one they have or want to have. These studies also show that adolescents can reinforce the image their peers have of them by smoking.

Q: Why do you say that the studies show that adolescents can reinforce the image others have of them?

A: Because the studies show that adolescents, in general, see smokers as different from nonsmokers on a number of dimensions, such as toughness. Thus, if an adolescent seeks to look tougher, he is correct in thinking his peers will see him as tougher if he smokes.

Q: Would you describe the fifth study?

A: This is a peer-reviewed longitudinal study. A longitudinal study enables us to better assess whether having images of smoking at one point in time influences the onset of smoking at a later time. Such studies are important because they allow a stronger inference that the predictor actually contributed to the onset of smoking, as opposed to it just correlating with smoking.

Q: Would you elaborate on that point?

A: A longitudinal study allows the researcher to rule out the possibility that adolescents' positive image of smokers correlates with their smoking because they first began smoking themselves and only later formed a positive impression of smokers. It does this by ensuring that the positive image precedes smoking onset. If the positive impression

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precedes the onset of smoking, we can have greater confidence that adolescents first form a positive image of smokers and take up smoking as a result.

Q: Would you now provide details of the fifth study?

A: In this longitudinal study, a sample of 1,222 fifth through eighth graders gave ratings of their self-image and the image of a smoker. They rated the images of a smoker on three traits: cool, sociable, and smart. Teenagers whose self-image was consistent with their rated image of a smoker on any two of these three traits were significantly more likely to start smoking in the next academic year. Looking at individual traits, when young people's self-image was consistent with the way they had rated smokers on the traits involving "cool" and "smart," they were significantly more likely to take up smoking. This study is in Demonstrative 2 as Aloise-Young, Hennigan, and Graham, 1996. (U.S. Exhibit 77,282).

Q: What do you conclude from this study?

A: This longitudinal study found that the adolescents who thought of themselves as having certain traits and who also believed that smokers had those traits began smoking. The study shows that the images adolescents have of smokers influence their smoking. When they see the image of a smoker as congruent with the image they have of themselves, they are motivated to take up smoking because it further reinforces their self-image. Adolescents smoke when they see smoking as beneficial in supporting their developing self-image.

Q: Would you describe the sixth study?

A: This peer-reviewed study looked at how 7th, 9th, and 10th grade students felt about smoking. It found that students were more likely to smoke if they felt that smoking made

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them feel older. Having an image of maturity is highly desired by many adolescents. If they believe smoking will confer that benefit, adolescents who desire maturity will smoke. This study is in Demonstrative 2 as Perry, Murray, and Klepp, 1987. (U.S. Exhibit 72,778)

Q: Would you describe the last study in Demonstrative 2?

A: This study examined seventh grade students' ratings of their self-image, their ideal image, their image of smokers, and their image of smokers depicted in advertising. Intention to smoke was highest for those with the smallest difference between their self-image and the image of smokers. The analysis indicated that these youths had both less positive self-images and more positive images of smokers than other students did. The authors argue that "youth with relatively lower self-concepts, who do not perceive themselves as distinctive in terms of being especially healthy, wise, tough, or interested in the opposite sex may be drawn toward smoking as a way of 'adding something' to their identity." This study is in Demonstrative 2 as Burton, Sussman, Hansen, and Johnson, 1989 (U.S. Exhibit 77,293 at 661).

Q: Do these studies support your conclusion that Defendants' marketing contributes to adolescent smoking by portraying smokers of their brands as having particular images?

A: Yes. These studies show that adolescents have certain favorable images of smokers, such as being tough and sociable. They are more likely to take up smoking if they perceive smokers as having attributes they desire or attributes that are consistent with their view of themselves. As my testimony will show, the key motivating images that adolescents have of smokers are precisely the ones conveyed in advertising for youth popular brands

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of cigarettes. Thus, to the extent that the tobacco companies shape adolescents' images of smokers through their brand advertising, they influence adolescents to smoke.

Q: Some of the images that these studies found to be associated with smoking appear to be negative. For instance, in the first study, sixth graders viewed smokers, in part, as less good, less likely to do well at school, less wise, less desirable as a friend, and less healthy. To an adult, do these traits seem like negative or positive attributes?

A: Presumably, most adults would see them as negative.

Q: Then why would these traits be ones that would motivate young people to smoke?

A: Not all of them are. However, many of the things that we strive not to have our teenagers like and admire are nonetheless attractive to many of them. What appears "negative" to an adult may appear "positive" to a teenager. Take appearing to be "less good." As I have testified, many adolescents find themselves failing in school and facing rejection from peers, which can lead some teenagers to become defiant. In this context, being "bad" is not a bad thing. Similarly, doing less well in school or being less wise and less desirable as a friend can take on positive meanings for teenagers within a subculture of adolescents who are rebellious. As we will see, marketing for several brands conveys that adolescents can have such a rebellious image by smoking that brand.

2. Popularity and Peer Acceptance

Q: You testified earlier how the changes in adolescence lead to an increased need to be popular and accepted by peers. Do these needs motivate adolescents to smoke?

A: They do. Due to the tobacco companies' marketing, many adolescents believe that one benefit of smoking will be enhanced popularity.

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Q: Did you prepare a demonstrative that summarizes the studies that show relationships between adolescent needs for popularity and smoking?

A: Yes, it is Demonstrative 3.

Q: Are all of these papers peer reviewed?

A: It is possible that the second one (Romer & Jamieson, 2001) (U.S. Exhibit 72,793) is not, since it was a chapter in an edited book. All of the rest of the papers are peer reviewed.

Q: Using Demonstrative 3 as a reference, please describe this research.

A: The first peer-reviewed study looked at adolescents' beliefs about what cigarette advertising communicates about the benefits of smoking. It took place in a sample of 3,536 California adolescents aged 12 to 17 who had never smoked. The study found that the majority of adolescent nonsmokers believed that cigarette advertisements indicated that smoking would help people feel comfortable in social situations. Among 12- to 13-year-olds, 60.5% believed this. Among 14 to 15-year-olds, the figure was 69.2%, and among 16 to 17-year-olds, it was 72.9%. This study is in Demonstrative 3 as Evans, Farkas, Gilpin, Berry, and Pierce, 1995. (U.S. Exhibit 72,886).

Q: Are there other studies with similar findings?

A: Yes. The second study involved a phone survey of 2,002 14- to 22-year-olds and a sample of 1,504 persons ages 23 to 95. Exposure to cigarette advertising was higher among 14- to 22-year-olds than among older persons. Adolescents had higher ratings of images of smokers as popular, happy, and attractive than did older persons, and the ratings were higher for adolescents with greater exposure to cigarette advertising. In other words, cigarette advertising increased adolescents' perception that smokers are

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popular. This study is in Demonstrative 3 as Romer and Jamieson, 2001. (U.S. Exhibit 72,793).

Q: Are there other studies showing that adolescents perceive that smokers are more popular?

A: Yes. One study I cited above looked at differences in the perception of smoking and nonsmoking youth by systematically comparing ratings of pictures of youth that were identical, except for the presence of a cigarette. It showed that smokers received higher ratings than nonsmokers did on both (a) having an interest in the opposite sex and (b) being with a group. The students rated each of these traits as good things. This study is in Demonstrative 3 as Barton, Chassin, Presson, and Sherman, 1982. (U.S. Exhibit 72,847

Q: Do any of these studies show that adolescents are more likely to smoke if they think that smoking leads to social success?

A: Yes. One example is the fourth peer-reviewed study in Demonstrative 3, which found that seventh, ninth, and tenth grade students who thought that smoking would help them make friends were more likely to smoke themselves. The fifth peer-reviewed study in Demonstrative 3 found the same thing, only with longitudinal data. Specifically, it found that, among high school students, the belief that smoking will have positive social consequences predicted whether or not an adolescent started smoking a year later. These studies are Perry, Murray, and Klepp, 1987 (U.S. Exhibit 72,778) and Chassin, Presson, Sherman, and Edwards, 1991, in Demonstrative 3 (U.S. Exhibit 72,867).

Q: Are there studies indicating that adolescents with a particularly high need for popularity or social acceptance are more likely to smoke?

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A: Yes. The sixth peer-reviewed study in Demonstrative 3 looked at whether eighth grade students who were high in social conformity, a measure of "compliance and susceptibility to social influences," were more likely to be smokers. It found that boys who were high in social conformity were more likely to smoke. This study is Koval, Pederson, Mills, McGrady, and Carvajal, 2000, in Demonstrative 3. (U.S. Exhibit 72,742).

Q: Is an adolescent more likely to smoke if his or her friends smoke?

A: Yes. That relationship is well established. The 1994 Surgeon General Report summarized the evidence, and we have reported that relationship in a number of our studies. (U.S. Exhibit 64,693).

Q: How do the studies you just reviewed relate to the basic finding that adolescents are more likely to smoke if their friends smoke?

A: These studies show the motivation that underlies the relationship between adolescents smoking and their friends smoking. Adolescents are more likely to smoke if they perceive a social benefit to smoking and have a high need for social acceptance or popularity. Adolescents tell us that the tobacco companies' advertising is communicating that smoking will have such benefits. Thus, the tobacco companies are exploiting these young people's needs for social acceptance by communicating that smoking will help them achieve it.

Q: What, if anything, do Defendants state in their Final Proposed Findings of Fact on this issue?

A: In their Final Proposed Findings of Fact, Defendants state, "Peer and family influences—and not Defendants' marketing practices—have been established as the primary predictors of smoking initiation among youth." Defendants' Final Proposed Findings of

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Fact (R. 3416; filed July 1, 2004) at 107. As I have testified, it is true that peers are an important influence on adolescent smoking. The evidence of parental influences on youth smoking behavior is more mixed, but there is certainly some evidence that parental smoking and parental monitoring and limit setting are factors in adolescent smoking.

Yet, these findings do not mean that the Defendant's marketing has no influence on adolescent smoking. On the contrary, as I will explain later in my testimony, Defendants' marketing exploits adolescents' needs for popularity and acceptance by communicating to them that smoking certain brands will help adolescents be popular.

Q: What do studies show about the effect of marketing and peer and family influences on youth smoking behavior?

A: Studies show that marketing practices influence adolescent smoking even after controlling for peer and parental influences. That is, studies that measure adolescent smoking and parental smoking, as well as exposure to cigarette marketing, have found that, even when peer and parental smoking are included in an analysis that predicts later smoking or intention to smoke, exposure to cigarette marketing is a significant predictor. Indeed, when researchers use advertising, and peer and parental influences, to predict later smoking behavior or intention to smoke, exposure to advertising is a stronger predictor than either peer or parental smoking. This means that, over and above any influence of peers or parents on adolescent smoking, cigarette marketing influences adolescent smoking. I have cited these studies in Demonstrative 7 (U.S. Exhibit 17,561) in the segment of my testimony having to do with adolescents' psychological needs. They include studies by Armstrong, deKlerk, Shean, Dunn, and Dollin, 1990 (U.S. Exhibit 72,840); Biener and Siegel, 2000 (U.S. Exhibit 77,118); and Pierce, Choi, Gilpin,

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Farkas, and Berry, 1998 (U.S. Exhibit 64,696). I should also note that seven of the eight studies cited have been published since 1996. In short, there is strong and consistent research that contradicts the Defendants' assertions.

Moreover, the studies I cite in Demonstrative 7 (U.S. Exhibit 17,561) underestimate the influence of marketing practices, since some of the influence of marketing is through its impact on peer groups and even parents. For example, as I have testified, the tobacco companies design cigarette marketing to influence the perception that popular people smoke specific brands. These marketing practices influence the entire peer group, not just individual adolescents. Peer group members come to feel that smoking is the "in" thing. They are thus more likely to approve and admire someone who smokes a brand that marketing has led them to believe is smoked by popular people. Through this conditioning, the entire peer group supports and admires smoking.

Thus, when an adolescent is more likely to smoke if his or her friends smoke, it is, in part, because of the influence cigarette marketing has had on the entire peer group. In other words, advertising that associates a brand with popularity conditions the entire peer group to approve of those who smoke it. When adolescents correctly perceive that Marlboro is a popular brand, they can be confident that their peer group will accept them if they smoke it, since their peers also see it as a brand that popular people smoke.

3. Boys: Masculinity, Ruggedness, and Toughness

Q: You testified earlier how changes in adolescence lead boys to want to be seen and to see themselves as masculine, rugged and tough. Is there research that shows that adolescent boys are more likely to smoke if they associate smoking with such attributes?

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A: Yes, one reason that boys smoke is to achieve a sense and an image of being masculine, tough, and rugged.

Q: Is there research showing that cigarette advertising conveys that smoking will help boys be more masculine, rugged, and tough?

A: Yes. I prepared Demonstrative 4, which lists the studies I have found that are relevant to the relationship of masculinity and each of the other adolescent needs we have not yet discussed in relation to adolescent smoking. I list the studies relevant to each need, in parallel to the needs discussed here.

All of the studies in Demonstrative 4, with the possible exception of the book chapter by Romer and Jamieson, 2001 (U.S. Exhibit 74,029), are peer-reviewed articles.

Q: Using Demonstrative 4 as a reference, please describe the research.

A: The studies on images included in Demonstrative 4 show that adolescents are more likely to smoke or intend to smoke if they attribute characteristics such as "tough" and "rugged" to smokers. For example, one peer-reviewed study found that, on average, adolescents had an image of smokers as more tough, an attribute they viewed positively. This study is Barton, Chassin, Presson, and Sherman, 1982 (U.S. Exhibit 72,847), in Demonstrative 4.

Another peer-reviewed study found that, when adolescents rated their ideal self as like that of a smoker on attributes such as tough, foolish, acts big, disobedient, and interested in the opposite sex, they were more likely to report that they intended to smoke. This study is Chassin, Presson, Sherman, Corty, and Olshavsky, 1981 (U.S. Exhibit 72,872), in Demonstrative 4.

Q: Why would this be?

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A: To some extent it is because most boys believe that characteristics of this sort will make them more attractive to the opposite sex and admired by other boys and they believe smoking will give them these characteristics.

Q: Does Defendants' marketing communicate these characteristics?

A: Yes, as we will see, much cigarette advertising, especially for Marlboro, Camel, and Kool, focuses on conveying that smokers of those brands are masculine, tough, and rugged.

4. Girls: Attractiveness

Q: You described earlier how the changes that occur in adolescence lead to an increased need for girls to feel and be attractive. Is there research showing that cigarette advertising conveys that smoking will help girls be more attractive?

A: Yes. These studies are also included in Demonstrative 4.

Q: Using Demonstrative 4 as a reference, please describe the research.

A: The first study concerning girls found that cigarette advertisements targeting women are significantly more likely to show smokers as lean and attractive than are advertisements not targeting women. This study is in Demonstrative 4 as Krupka, Vener, and Richmond, 1990 (U.S. Exhibit 72,745).

A second peer-reviewed study listed in Demonstrative 4 showed that images of young women as attractive, sexy, independent, and sociable are common in cigarette advertising. This study is King, Reid, Moon, and Ringold, 1992 (U.S. Exhibit 72,738), in Demonstrative 4.

A third peer-reviewed study found that billboard advertisements for tobacco depicted models as having sex appeal more often than did advertisements for other

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products, except alcohol. Finally, a peer-reviewed study I cited earlier of California adolescents reported that 43.9% of 12- to 17-year-old girls who had never smoked felt that cigarette advertisements conveyed that smoking would help them stay thin. These two studies are in Demonstrative 4 as Schooler, Feighery, and Flora, 1996, and Evans, Farkas, Gilpin, Berry, and Pierce, 1995 (U.S. Exhibit 72,885), respectively.

Q: Are there other studies that show that the communication of these themes is associated with smoking?

A: Yes. One peer-reviewed study looked at opinions about cigarette advertising in a sample of 258 15-year-old students in England. More regular smokers than nonsmokers rated cigarette advertisements as glamorous, exciting, interesting, and eye-catching. Smokers were more likely than nonsmokers were to have a positive opinion of advertisements. This was especially true for those who had positive opinions about the two best-selling brands, Benson & Hedges and John Player Special. This study is Potts, Gillies, and Herbert, 1986 (U.S. Exhibit 77,340), cited in Demonstrative 4.

Q: How does this study inform your conclusions in this case?

A: It is consistent with my conclusion that advertising influences some adolescents to smoke because they associate smoking with these positive attributes. Given that this study looked at the concurrent relationship between opinions about advertisements and smoking, it is possible that the adolescents first took up smoking and only then saw advertisements as communicating these positive attributes. However, this seems unlikely because of evidence I discuss below that shows that cigarette advertising does increase adolescents' perceptions of smoking as having positive attributes. At a minimum, the

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study does show that advertising reinforces adolescents' views of smoking as being glamorous, etc.

Q: Are there studies that show that girls who are concerned about their weight or other aspects of their attractiveness are more likely to take up smoking?

A: Yes. French and Perry, 1996 (U.S. Exhibit 72,897), cited in Demonstrative 4, identified a number of influences to smoke that are unique to young women. These include being attractive, well dressed, sexy, and healthy. They also reviewed studies indicating that weight concerns motivate young women to smoke. One peer-reviewed study found that eighth grade girls were more likely to be smokers if they believed that smoking would improve their appearance. This study is Koval, Pederson, Mills, McGrady, and Carvajal, 2000 (U.S. Exhibit 72,742), cited in Demonstrative 4.

Another peer-reviewed study found that girls who were smokers were significantly more likely than nonsmoking girls to be trying to lose weight, have fears of gaining weight, want to be thin, and have symptoms of an eating disorder. Moreover, they found that girls with substantial concerns about their weight were about twice as likely to begin smoking over the following year as girls without weight concerns. This study is in Demonstrative 4 as French, Perry, Leon, and Fulkerson, 1994 (U.S. Exhibit 72,895)

A peer-reviewed study conducted among 16,000 students aged 9-19 in northern England found that the students who smoked the most were most likely to agree that smoking controls weight, while those who had never smoked were least likely to agree. More girls than boys agreed with this statement among the 13- to 16-year-olds surveyed. This study is Charlton, 1984 (U.S. Exhibit 72,863), in Demonstrative 4.

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Finally, a peer-reviewed study I cited earlier, which surveyed 14- to 22-year-olds, found that girls who smoked were significantly more likely than nonsmokers to believe that smoking would reduce their weight. This study, in Demonstrative 4, is Romer and Jamieson, 2001 (U.S. Exhibit 74,029).

Q: What do you conclude from this research?

A: Girls concerned about their weight or appearance are particularly vulnerable to cigarette advertising that promises that smoking will help them be thinner and more attractive. Cigarette advertising frequently conveys this message. Thus, girls who are concerned about their weight or appearance are more likely to smoke. In a world in which cigarette advertising did not promise these benefits, fewer adolescent girls would smoke.

5. Stress, Anxiety, and Depression

Q: You described earlier how changes experienced in adolescence lead to an increased need to deal with stress, anxiety, and depression. Is there evidence that cigarette advertising conveys to adolescents that smoking helps them deal with these feelings?

A: Yes. Public health research shows that cigarette advertising communicates that smoking can help one deal with stress and unpleasant emotions. The peer-reviewed study of nonsmoking California adolescents, which I cited previously, found that 60 to 73 % of these nonsmokers (depending on age group) felt that cigarette advertisements communicated that smoking would help them relax; 58 to 67% felt that cigarette advertisements indicated that smoking would help them reduce stress; and 45 to 50.8% said advertisements communicated that smoking would reduce boredom. This study is in Demonstrative 4 as Evans et al., 1995 (U.S. Exhibit 72,885).

Q: Are there other similar studies?

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A: Yes. The peer-reviewed study of 14- to 22-year-olds cited previously found that the image of smokers as relaxed rose during adolescence and was significantly higher for those who reported exposure to cigarette advertising. Moreover, those who had an image of smoking as being relaxing perceived less risk to smoking and had feelings about smoking that were more favorable towards it. This study, Romer and Jamieson, 2001 (U.S. Exhibit 74,029), is in Demonstrative 4.

Q: Is there other research that supports your conclusion that some adolescents are motivated to smoke because they perceive that it will help them reduce stress?

A: One peer-reviewed study, which I cited earlier, found that middle and high school students were more likely to be smokers if they thought that smoking would help them when they were bored or lonely, when they needed to solve personal problems, or when they needed personal energy. This study is Perry et al., 1987 (U.S. Exhibit 72,778), in Demonstrative 4.

Q: Are there other studies of this sort?

A: There are a number of peer-reviewed studies that show that adolescents experiencing high levels of distressing emotions are more likely to smoke. In two studies of the same sample of adolescents, one while they were in sixth grade and the other when they were in eighth grade, it was found that young people experiencing stress are more likely to be smokers. These two studies (Koval & Pederson, 1999, U.S. Exhibit 72,741; Koval et al., 2000, U.S. Exhibit 72,742) are in Demonstrative 4.

In a longitudinal study of continuation high school students, researchers found that adolescents experiencing higher levels of stress were more likely to become regular

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smokers. This study (Skara, Sussman, & Dent, 2001, U.S. Exhibit 72,800) is in Demonstrative 4.

Q: Is adolescent depression related to smoking?

A: Yes. Several studies have reported that adolescents are more likely to be smokers if they are depressed. One peer-reviewed study in a nationally representative sample of 4,023 adolescents aged 12 to 17 years found that girls who were depressed were more likely than those who were not to smoke. This study, in Demonstrative 4, is Acierno, Kilpatrick, Resnick, Saunders, DeArellano, and Best, 2000.

A second peer-reviewed study found a relationship between depression and smoking for boys, but not for girls. Two articles describing this study are in Demonstrative 4. They are Koval and Pederson, 1999 (U.S. Exhibit 72,741) and Koval et al., 2000 (U.S. Exhibit 72,742).

A third peer-reviewed study found that high school freshmen were more likely to be smokers if they were depressed. This was especially true if they were receptive to cigarette advertising. Researchers measured the teenagers' receptivity to advertising based on whether they had a favorite advertisement and whether they owned cigarette promotional items. This study is in Demonstrative 4 as Tercyak, Goldman, Smith, and Audrain, 2002 (U.S. Exhibit 77,352).

Q: What do you conclude from the Tercyak study you just mentioned?

A: The study shows that depressed adolescents who are receptive to cigarette advertising are particularly vulnerable to such advertising. As we will see, cigarette advertising often conveys that smoking will make one happier and it also promises to help young people with other issues that are sources of their depression, such as peer rejection. The fact that

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depressed adolescents who had greater exposure to cigarette advertising were more likely to smoke shows that depressed adolescents who are reached by the tobacco companies' advertising are particularly vulnerable.

6. Risk Taking, Excitement, Fun, and Adventure

Q: You described earlier how the changes that occur in adolescence lead to an increased need for adolescents to experience excitement, fun, and adventure. Is there research that shows that cigarette advertising conveys to adolescents that they can achieve these benefits?

A: Yes. In addition to the voluminous research by the tobacco companies showing that their advertising conveys that smoking will provide these benefits, there are peer-reviewed studies done by public health researchers that show that adolescents get the message from these advertisements.

In a study I cited above, 68 to 76% of nonsmoking California adolescents felt that cigarette advertisements conveyed that smoking is enjoyable. This study is in Demonstrative 4 as Evans et al., 1995 (U.S. Exhibit 72,885).

In addition, there is evidence that billboard advertisements for tobacco, more than advertisements for other products (besides alcohol), associated smoking with fun or exciting activities including vacationing, recreation, sports, an active lifestyle, and adventure or risk. This study is in Demonstrative 4 as Schooler, Basil, and Altman, 1996 (U.S. Exhibit 72,798).

A study of magazine advertisements for cigarettes indicated that recreation and adventure were common themes of cigarette advertisements for both male and female

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oriented magazines. This study is in Demonstrative 4 as King, Reid, Moon, and Ringold, 1992 (U.S. Exhibit 72,738).

Q: Is there scientific research that indicates that youth who perceive that smoking is exciting are more likely to smoke?

A: Yes. A peer-reviewed study I cited earlier of 15-year-olds found that more regular smokers than nonsmokers rated cigarette advertisements as exciting and witty. This study is in Demonstrative 4 as Potts et al., 1986 (U.S. Exhibit 77,340).

Another peer-reviewed study showed that adolescents who smoke are more likely than nonsmokers are to say that smoking will help them have fun. This study appears in Demonstrative 4 as Perry et al., 1987 (U.S. Exhibit 77,778).

Q: Is there other research that supports your conclusion that adolescents who have high needs for excitement are more likely to smoke?

A: Yes. With respect to sensation or novelty seeking and risk taking, there is considerable evidence. A peer-reviewed study of 1,841 17- to 19-year-olds found that sensation seeking was significantly related to smoking. This peer-reviewed study is Kraft and Rise, 1994 (U.S. Exhibit 72,743), in Demonstrative 4.

Another study of 8th and 11th grade students found that cigarette smoking was significantly higher among those who were elevated on the sensation-seeking factor. This peer-reviewed study also included measures of peer and parental influences on smoking. Even when controlling for those variables, researchers found sensation seeking correlated with smoking. This means that the influence of sensation seeking is over and above any influence of peer or parents. This peer-reviewed study appears in Demonstrative 4 as Kopstein, Crum, Celentano, and Martin, 2001 (U.S. Exhibit 72,740).

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A study of 1,051 10th-grade students found that those who were high in "novelty seeking" were more likely to be smokers. This peer-reviewed study, Tercyak and Audrain-McGovern, 2003, is in Demonstrative 4.

In a longitudinal study, 5th-grade students who were high in risk taking were more likely to be daily smokers in 12th grade. This study is noteworthy because of the length of time between the measurement of risk taking and the assessment of smoking. Apparently, risk taking makes young people vulnerable to try the risky practice of smoking over a considerable period of time. This peer-reviewed study is in Demonstrative 4 as Burt, Dinh, Peterson, and Sarason, 2000 (U.S. Exhibit 72,856).

Another longitudinal study found continuation high school students to be more likely to be regular smokers if they were high in sensation seeking, male, and perpetrators of violence. This peer-reviewed study appears in Demonstrative 4 as Skara et al., 2001 (U.S. Exhibit 72,800).

Q: Is there evidence that adolescents who are high in novelty seeking are more receptive to cigarette advertising?

A: Yes. A peer-reviewed study of 1,071 high school freshmen found that higher levels of novelty seeking were associated with greater receptivity to tobacco advertising. Thus, sensation or novelty seekers are particularly likely to encounter and like cigarette advertising. This study appears in Demonstrative 4 as Audrain-McGovern et al., 2003.

Q: How are these studies relevant to your conclusion that the Defendants' marketing influences adolescents to smoke?

A: As some of the studies I reviewed here and the tobacco companies' own documents show, much cigarette marketing associates the tobacco companies' brands with themes

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and images of fun and excitement. The studies I have just described show that sensation seeking and risk-taking adolescents—in the current marketing environment—are particularly at risk to smoke. By associating their brands with themes of excitement, the tobacco companies are particularly effective in reaching these young people and motivating them to smoke.

7. Rebellion Against Authority

Q: Is there research that supports your conclusion that rebellious adolescents are more likely to smoke?

A: Yes. A study of sixth graders found that rebelliousness concurrently correlated with smoking for both boys and girls, even when maternal or paternal smoking was controlled. In an analysis of data from the same sample of students taken when they were in eighth grade, rebelliousness was associated with smoking. Here, too, parental and peer smoking were controlled, so we can infer that rebelliousness is associated with smoking over and above any influence of parents or peers. This study is in Demonstrative 4 as Koval and Pederson, 1999 (U.S. Exhibit 72,741).

Stronger evidence comes from a study that assessed rebelliousness in fifth grade in a sample of 3,130 fifth graders. Those who were high in rebelliousness at that time were significantly more likely to be smokers in 12th grade. This peer-reviewed study is in Demonstrative 4 as Burt, Dinh, Peterson, and Sarason, 2000 (U.S. Exhibit 72,856).

Q: How are these findings relevant to your conclusions in this case?

A: They show that rebellious youth are at high risk to take up smoking. Any information they receive that conveys to them that rebellious people smoke or that smoking would

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enhance their image as a rebel makes them more likely to take up smoking. And, as we shall see, much cigarette advertising communicates this message.

Q: Are there other studies on this topic?

A: One peer-reviewed study relevant to this topic is a study of the prediction of smoking over a one-year period among middle school students. It found that expectations for academic success had a strong negative correlation with smoking initiation. In other words, students who expect to do poorly in school are more likely to take up smoking. This finding is consistent with what I said earlier about some adolescents beginning to have trouble academically in middle school. Their failure prompts them to redefine who they are. Given the images of smokers that are available to them, they can adopt the image of a smoker, which, as I described above, is widely seen as not good in school, but as tough and sociable. Thus, taking up smoking helps some young people to cope with their academic failure, by helping to define a new self-image. This study is in Demonstrative 4 as Chassin, Presson, Sherman, & Edwards, 1991 (U.S. Exhibit 72,867).

8. Favorable Attitudes toward Smoking and Cigarette Advertising Predict Smoking

Q: Dr. Biglan, what other research has informed your conclusions in this case?

A: There are studies of the relationship between attitudes toward smoking and cigarette advertising that indicate that adolescents are motivated to smoke by their perception of the value of smoking for achieving desired outcomes. There are also studies of the relationship between attitudes toward cigarette advertising and smoking behavior.

Q: Would you define the term "attitude?"

A: Attitudes are general measures of the favorability or unfavorability that a person has toward an "attitude object." The attitude object in the present case could be smoking or

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cigarette advertising. Unlike the studies I discussed previously, which examine the relationship between smoking and specific perceptions of smoking or smokers, the studies of attitudes I discuss now look at the degree to which a generally favorable attitude toward smoking or favorable reactions to cigarette advertising motivate smoking.

Q: Have you made a demonstrative of the studies involving these relationships?

A: Yes, I have labeled it Demonstrative 5.

Q: Please use Demonstrative 5 as a reference and tell the Court what these studies show.

A: I listed seven studies, all peer reviewed, with the possible exception of the book chapter by Romer & Jamieson, 2001 (U.S. Exhibit 72,932). The first two studies show simply that adolescents' ratings of their attitudes toward smoking are associated with either current smoking behavior or with their intention to smoke. These two studies are cited in Demonstrative 5 as Romer and Jamieson, 2001 (U.S. Exhibit 72,932), and Chassin, Corty, Presson, Olshavsky, Bensenberg, and Sherman, 1981 (U.S. Exhibit 77,296), respectively.

Q: What do you conclude from these studies?

A: They show that positive attitudes toward smoking are associated with smoking, and they confirm my conclusion that tobacco companies motivate adolescents to smoke by influencing them to have favorable attitudes toward smoking. However, because the attitudes and the smoking measure were assessed at the same time, we cannot rule out the possibility that the relationships were due to current smokers having developed more favorable attitudes toward smoking after they began smoking, rather than their favorable attitudes leading them to smoke.

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Q: What do you conclude from the other studies in Demonstrative 5?

A: The third peer-reviewed study was longitudinal. It tried to predict smoking from attitudes toward smoking among 2,818 adolescents who were in 6th through 11th grade at the outset of the study. Adolescents were asked whether smoking was fun, pleasant, or nice. For both those students who had never tried smoking and those who had experimented with smoking, their attitudes toward smoking at the first assessment predicted whether or not they were smoking a year later. This study allows us to rule out the possibility that the relationships we saw in the first two studies are due simply to smokers becoming more favorable to smoking after they take up smoking. Rather, it appears that having favorable attitudes toward smoking makes adolescents more likely to subsequently take it up.

I should also say that the study found that rated intentions to smoke predicted smoking a year later. A number of studies also measure the impact of advertising on intentions to smoke, so it is important to note that such intentions are good predictors of later smoking. This study is in Demonstrative 5 as Chassin, Presson, Sherman, Corty, and Olshavsky, 1984 (U.S. Exhibit 77,870).

Q: Would you please describe the fourth study?

A: The fourth peer-reviewed study was a further examination of the ability to predict smoking from these attitude measures. It studied the same sample as the study I just mentioned, but this 1991 study examined whether it was possible to predict smoking seven or eight years later. For both adolescents assessed in middle school and those assessed in high school, their attitudes toward smoking predicted whether they were smokers seven or eight years later. This was true even after the analysis statistically controlled for a friends' smoking. In other words, positive attitudes toward smoking

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predicted later smoking over and above the influence of friends' smoking. This study is in Demonstrative 5 as Chassin, Presson, Sherman, and Edwards, 1991 (U.S. Exhibit 72,868).

Q: Would you tell the Court about the fifth study?

A: This peer-reviewed study, as well as the two remaining studies, focused on attitudes toward cigarette advertising to see if such attitudes would predict smoking. The fifth study obtained ratings of cigarette advertisements for five brands from 534 adolescents on how well they liked the advertisements, whether they made smoking appealing, and whether the advertisement made them want to smoke. Smokers were more likely than nonsmokers were to like the advertisements. They were also more likely to say that Marlboro and Camel advertisements made smoking more appealing. And they were more likely to say that each advertisement made them want to smoke. This study appears in Demonstrative 5 as Arnett and Terhanian, 1998 (U.S. Exhibit 72,843).

Q: Would you tell the Court about the sixth study?

A: This peer-reviewed study got ratings of advertisements for five youth-popular cigarette brands (Marlboro, Newport, Camel, Kool, and Winston) and an advertisement for one non-youth brand (Merit). The sample consisted of 400 adolescents aged 12 to 17. The adolescents rated how well they liked the advertisements and how much they thought those advertisements made smoking appealing. Though it was not true for every advertisement, in most cases, adolescents who liked an advertisement were more likely to be smokers. The results were similar, but not as strong, for the relationship between ratings that an advertisement made smoking appealing and the smoking status of respondents. This study is in Demonstrative 5 as Arnett, 2001.

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I should point out that both the fifth and the sixth study involved what we call "concurrent correlations." In other words, the researchers assessed both liking for the advertisements and smoking behavior at the same time. Based on these studies alone, we cannot rule out the possibility that the adolescents first start smoking and then develop a liking for cigarette advertisements. However, the results of the seventh study make this interpretation implausible.

Q: Would you tell us about the seventh study?

A: The seventh peer-reviewed study in Demonstrative 5 obtained ratings of attitudes toward cigarette advertisements and analyzed whether adolescent smoking could be predicted a year later based on these attitudes, as well as on family and peer smoking. The study found that those adolescents with more favorable attitudes toward cigarette advertising at the first assessment were more likely to take up smoking by the second assessment. This was true even when the researchers controlled for peer and family smoking. In other words, liking for cigarette advertisements predicted later smoking over and above any influence of peers or families. This study is in Demonstrative 5 as Alexander, Callcott, Dobson, Hardes, Lloyd, O'Connell, and Leeder, 1983 (U.S. Exhibit 72,839). The longitudinal nature of this study provides greater confidence that adolescents first form favorable attitudes toward cigarette advertisements and cigarette smoking and only then take up smoking.

Q: How is this line of research consistent with your conclusion that Defendants market to adolescents to meet their psychological needs?

A: It shows that adolescents' favorable attitudes toward smoking and cigarette advertising contribute to their smoking. To the extent that the tobacco companies' marketing

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produces positive attitudes toward their cigarette brands, it motivates adolescents to smoke them. Establishing positive attitudes toward smoking a specific brand is a critical step in motivating adolescents to smoke that brand. The evidence I have just discussed indicates that it is specifically through the advertising that adolescents form favorable attitudes toward smoking and that these favorable attitudes gained from cigarette advertisements predict whether the adolescents will smoke.

9. *Impact of Cigarette Advertisements on Adolescents' Images of Smokers*

Q: Are there studies of whether Defendants' cigarette marketing influences the images that adolescents have of smokers?

A: Yes. The tobacco companies' own internal research shows the impact of their marketing on the images of smokers and public health researchers have conducted such studies.

Q: Did you prepare a demonstrative that summarizes these studies?

A: Yes. Demonstrative 6 contains these studies, all of which are peer-reviewed.

Q: Would you describe these studies?

A: The first study listed in Demonstrative 6 examined whether children and adolescents age 6 to 17 could identify brands of cigarettes after looking at advertisements that had the brand name removed. Across the three brands tested, 38 to 83% of 12- and 13-year-olds could identify the brand. Among older adolescents, the percentages were 52 to 95%. Thus, the majority of the adolescents were familiar with the advertisements.

The young people then matched the advertisements to thumbnail sketches of the type of person who smoked the brand. By the age of 10, students were able to match brands to thumbnail sketches of the smoker of that brand at better than chance levels. This shows that, thanks to the advertisements, the students had formed an image of the

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smoker of each brand. This first study is in Demonstrative 6 as Aitken, Leathar, and O'Hagan, 1987 (U.S. Exhibit 77,281).

Q: Would you describe the second study?

A: The second peer-reviewed study is one I discussed earlier, regarding attitudes toward cigarette advertising. This study presented adolescents with advertisements for five brands of cigarette: Camel, Marlboro, Kool, Benson & Hedges, and Lucky Strike. Five hundred thirty-four students were asked to rate the advertisements on how frequently they had seen them, whether they liked them, and how much they thought the advertisements made smoking appealing. The students had seen Marlboro and Camel advertisements more frequently than they saw others, and Marlboro and Camel advertisements were liked by larger proportions of subjects (44% for Marlboro, 64% for Camel) than were the other advertisements (Kool, 38%; Benson & Hedges, 26%; Lucky Strike, 26%). The Marlboro and Camel advertisements were more appealing than advertisements for other cigarettes were. Because none of these comparisons included statistical analysis, we cannot be sure that the differences were statistically reliable. Nonetheless, the results are consistent with the fact that Camel and Marlboro are two of the most popular brands among youth. These results are consistent with my conclusion that these brands are popular because many adolescents see and like their advertising. This study is in Demonstrative 6 as Arnett and Terhanian, 1998 (U.S. Exhibit 72,842).

Q: Would you describe the third study?

A: The third peer-reviewed study is also one I discussed previously that measured reactions to cigarette advertisements from 400 12- to 17-year-olds. The adolescents looked at two advertisements for each of five youth-popular brands (Marlboro, Newport, Camel, Kool,

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and Winston) and an advertisement for one non-youth brand (Merit). These adolescents liked all but two of the advertisements for the youth-popular brands significantly more than they did the Merit advertisement. The teenagers rated one Marlboro advertisement, two Camel advertisements, and a Kool advertisement as making smoking significantly more appealing than the Merit advertisement did. Finally, they significantly liked the Marlboro advertisements more than they did the advertisements for Newport. This study is in Demonstrative 6 as Arnett, 2001.

Q: How are these last two studies relevant to your conclusions in this case?

A: Both show that advertisements for cigarettes have a positive impact on many adolescents. The study by Arnett, 2001, shows that adolescents like the advertisements for the brands that target younger smokers better than they do those not targeting young smokers and that a number of those advertisements made smoking more appealing than did the Merit advertisement.

I should note that, strictly speaking, the latter study also provides experimental evidence of the impact of these advertisements. The comparison between reactions to the youth-popular brands' advertisements and the Merit advertisements is an example of a "within subjects" design. It controls for other possible influences on liking for the advertisements. We can be confident that the greater liking for the youth-popular advertisements was due to the advertisements, not to some characteristics of the teenagers who saw them.

Q: How about the fourth study?

A: The fourth peer-reviewed study assessed brand recognition and liking among 386 eighth-grade students for cigarette advertisements that had brand information removed. They

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found that students were able to identify the advertisements for Camel (71.7%), Marlboro (62.5%), and Newport (31.4%) more than for Capri, Kool, Misty, and Virginia Slims. Students who were susceptible nonsmokers (that is, could not rule out the possibility of smoking at some point) liked cigarette advertisements significantly more than did nonsmokers and to the same extent as current smokers. This study is in Demonstrative 6 as Unger, Johnson, and Rohrbach, 1995 (U.S. Exhibit 72,819).

Q: What do you conclude from this study?

A: The study is consistent with the conclusion that exposure to cigarette advertisements increases susceptibility to smoking. It is possible, however, that the results are due to those who are susceptible to taking up smoking being interested in and liking the advertisements due to that susceptibility.

Q: How could you determine whether it was the advertisements influencing susceptibility or susceptibility influencing recognition of and liking for advertisements?

A: One could determine this through experimental manipulation of exposure to cigarette advertisements.

Q: Have such studies taken place?

A: Yes. Studies 5 through 9 listed on Demonstrative 6 all involve experimental evaluations of the impact of cigarette advertising on adolescents. These studies control for other possible influences by randomly assigning adolescents to receive or not receive an advertising exposure. In this way, the design ensures that the adolescents in the different conditions are equivalent at the outset. Thus, we can be confident that any differences in smoker images between the adolescents in different exposure conditions are due to the

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advertisements and other marketing materials to which they were exposed. Studies that show that exposure to advertisements is correlated with concurrent smoking behavior or intent to smoke could find such a relationship because those who smoke are more inclined to look at and like cigarette advertisements. However, in the studies to be discussed here, researchers experimentally manipulated exposure to the advertisements. Accordingly, we can rule out any differences in the effects of exposure to advertising being due to adolescents prior experiences with smoking and can be confident that, if exposure to advertising results in more positive attitudes or images of smokers, it is due to the exposure.

Q: Would you describe the fifth study?

A: The fifth peer-reviewed study experimentally evaluated the impact of cigarette magazine advertisements on adolescents' attitudes toward smoking. Researchers randomly assigned 178 adolescents to look at a magazine with four cigarette advertisements or at the same magazine without any cigarette advertisements. The students had only five minutes to review the entire magazine, but researchers asked them to look at all advertisements. Adolescents who had ever tried smoking and who had the magazine containing cigarette advertisements expressed more positive attitudes toward smoking than did those who were not exposed to the advertisements. Adolescents who saw the magazines containing cigarette advertisements also rated a woman shown smoking more positively than did adolescents who were not exposed to advertisements. This study is in Demonstrative 6 as Turco, 1997 (U.S. Exhibit 73,663).

Q: What conclusions do you draw from this study?

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A: This study is evidence that cigarette advertising affects the attitudes of adolescents toward smoking. A single five-minute exposure to a single magazine containing four advertisements had a significant impact on attitudes toward smoking and toward smokers. It made those who had ever smoked more positive toward smoking and influenced all adolescents to have more positive attitudes toward smokers.

The latter effect implies that cigarette advertising improves adolescents' perceptions of smokers. This is an important fact. To the extent that the tobacco companies' advertising increases adolescents' admiration for smokers, it improves the prospects for peer acceptance for the adolescent smoker. We need to consider this effect, along with direct effects on individual adolescents, when evaluating the impact of cigarette advertising on peer influence processes.

Q: Would you describe the sixth study?

A: One hundred 10- to 12-year-olds were randomly assigned to see either a photograph of a pack of Benson & Hedges and a point-of-sale advertisement for Marlboro or to see a photograph of a Marlboro pack and a point-of-sale advertisement for Benson & Hedges. Seeing point-of-sale advertisements, as opposed to just a picture of a pack, led to more positive descriptions of the user of the brand. In the case of Benson & Hedges, 10- to 12-year-olds who saw the advertisement rather than just the pack were more likely to describe the users as relaxed, interesting, rich, and adventurous. Those 10-to 12-year-olds who saw the Marlboro point-of-sale advertisement rated Marlboro smokers as more adventurous than did students who saw only the picture of the Marlboro pack.

Thus, in both cases, compared to seeing the pack, looking at a single point-of-sale advertisement increased positive perceptions of the brand user. This also is experimental

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evidence that cigarette advertising influences adolescents to view smokers more positively, thereby fostering peer acceptance for those influenced to smoke.

I find it particularly noteworthy that a single exposure to a single point-of-sale poster could affect the images of the smokers to this extent. This study is in Demonstrative 6 as Donovan, Jancey, and Jones, 2002.

Q: Would you describe the seventh study?

A: Yes. This study took place with 304 seventh-grade students. The portion of the study most germane to the current concern compared the effects of seeing magazine advertisements for Newport, Virginia Slims, and Camel with the effect of seeing three advertisements unrelated to smoking.

This study found that exposure to the cigarette advertisements did not affect students' ratings of smokers, but did influence students to have more positive thoughts about smokers (e.g., "has lots of friends," "likes to do exciting things") than did students who saw the unrelated advertisements. This study is in Demonstrative 6 as Pechmann and Ratneshwar, 1994 (U.S. Exhibit 72,905).

Q: Please explain the eighth study?

A: In this peer-reviewed study, ninth-grade students looked at pictures of convenience stores. Half of the students saw a convenience store without any cigarette advertisements, while the other half saw a store with numerous cigarette advertisements. Those exposed to the store with cigarette advertising: (a) perceived that cigarettes could be more easily purchased in the pictured store, (b) perceived that cigarettes could be more easily purchased in other stores, (c) perceived a higher prevalence of adolescent smoking, and (d) expressed less support for policies to control tobacco use. This study appears in

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Demonstrative 6 as Henriksen, Flora, Feighery, and Fortmann, 2002.

Q: Would you describe the ninth study?

A: This is a particularly carefully done peer-reviewed study, which provides a clearer explanation than we have had up to this point of how cigarette advertising affects adolescents. It also has important evidence regarding adolescents' underestimation of the influence of advertising on them. The theoretical analysis motivating this is:

> Cigarette ads may prime or make salient the notion that smokers are attractive, successful, and healthy .... (Pechmann & Shih, 1999). A prime is 'an activating stimulus event' that causes a 'preactivation of social constructs or knowledge structures' (Bargh, 1989; Kelly, 1955). Thus, a positive smoker stereotype that is activated by cigarette ads may cause youth to inadvertently seek out favorable evidence about smokers. Seemingly due to this favorable evidence, but in actuality because the cigarette ads drove perceptions to be favorable, youth may gradually come to believe that smokers have desirable traits. ... Accordingly, they may become interested in smoking themselves. ... Since this process is nonconscious, youngsters may be unable to protect themselves. ... As Herr (1989, p. 68) notes, "It is difficult to resist an influence of which one is unaware. (Page 6)

Thus the authors predicted that seeing cigarette advertisements would be particularly influential if young people also saw adolescents who were smokers. This study is in Demonstrative 6 as Pechmann and Knight, 2002.

The study randomly assigned 718 ninth-grade students from four ethnically diverse California high schools to view one of eight videotapes that depicted a "slice of life" of some teenagers their age. The videotape described how the students were studying advertising and had an assignment to video some advertisements. The videotapes varied in terms of the advertisements shown, with four possibilities: (1) four cigarette advertisements, (2) four antismoking advertisements, (3) four cigarette advertisements and one antismoking advertisement, and (4) four control advertisements

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not involving smoking. In addition, the videos varied in terms of whether they showed the teenagers as either smokers or nonsmokers. In what researchers term a 4 by 2 design, half of the young people in each of the four advertising conditions saw teenagers depicted as smokers, while the other half saw them depicted as nonsmokers.

These researchers created a scale of stereotypic beliefs about adolescents who smoked. It consisted of 12 items on which smokers were rated: fun/boring, well-liked/disliked, sexy/not sexy, desirable/undesirable to date, successful/unsuccessful, smart/dumb, intelligent/stupid, healthy/unhealthy, well/sickly, natural smelling/stinky, cool/uncool, and winner/loser.

Students exposed to the cigarette advertisements and to the nonsmoking teenagers rated adolescent smokers significantly more positively on this scale of beliefs about smokers. This shows that advertisements, by themselves, influence adolescents to view smokers more favorably.

In addition, as predicted, students who saw both the cigarette advertisements and the smoking adolescents had significantly more positive beliefs about smokers as well as more positive intentions to smoke in the future. This shows that, in addition to its direct impact on adolescents' views of smokers, cigarette advertising primes adolescents' reactions to peers who smoke in ways that improve their attitudes toward peers who smoke and increase their own intentions to smoke. This is consistent with Romer and Jamieson's 2001 analysis that cigarette advertising influences adolescent peer groups to view smoking more favorably. Advertising thereby makes it more likely that their peers will accept adolescent s if they smoke.

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The study also showed that the impact of exposure to cigarette advertisements and adolescents who smoke on the ninth-grade students' intentions to smoke was mediated by its effect on their beliefs about smokers. That is, students' beliefs about smokers changed and, as a result, their intentions about smoking changed. This study is in Demonstrative 6 as Pechmann and Knight, 2002.

Q: You said that the study also provided evidence about adolescents' recognition of the influence of cigarette advertisements on them. What was that evidence?

A: This study found that the impact on beliefs and intentions of exposure to the advertisements and to smoking adolescents was significant, even when the student did not recall seeing the advertisements. The authors say the following about this finding:

> [C]igarette advertising can augment the impact of peer smokers by enhancing perceptions of individuals. Youth may mistakenly assume they have been swayed by smokers, not by ads, because smokers are the more obvious influence agent. Hence, self-reported reasons for smoking may be misleading . . . (at page 15).

Q: Taken together, Dr. Biglan, how do the studies you have just described about the impact of cigarette advertising on adolescents support your conclusion that the Defendants' marketing practices influence adolescents to smoke?

A: These studies show that: (1) adolescents like cigarette advertising for the brands that target younger people and (2) these advertisements influence adolescents to have more positive views of smoking and smokers. Even a single exposure to cigarette advertising influences the images that adolescents have of smokers. The experimental studies are particularly strong in showing that it is the advertising that affects adolescents' attitudes and images of smokers rather than adolescents developing those positive views only after they start smoking.

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The research conducted by the tobacco companies, which I have reviewed and discuss later in this testimony, also shows that the tobacco companies' marketing is successful in conveying positive images of smokers—images that provide the motivation for adolescents to begin smoking.

The experimental studies also show that, in addition to its direct effect in motivating adolescents to want to smoke, the tobacco companies' advertising makes smoking a vehicle for achieving peer acceptance because it improves other adolescents' opinions of adolescents who smoke.

E. Summary of Scientific Evidence

Q: Would you provide us with a brief summary of the scientific evidence you have reviewed regarding how the needs of adolescents play a role in adolescents' beginning to smoke?

A: As I discussed in detail earlier, adolescents experience a number of often-powerful needs. Each of these needs makes adolescents vulnerable to marketing that conveys that smoking will meet these needs. Most of the evidence showing that the tobacco companies' marketing conveys these supposed benefits of smoking comes from the tobacco companies' own internal documents. I have reviewed evidence from public health research showing that exposure to cigarette advertising increases the perception that smoking will meet adolescents' needs. These types of studies show that: (1) adolescents generally perceive that smoking brings a number of youth-relevant benefits; (2) these perceptions are stronger among those more exposed to cigarette advertising; and (3) those adolescents who are high in these needs are more likely to smoke.

The studies I have described show the central role of the tobacco companies'

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image advertising in motivating adolescents to smoke. These studies show that adolescents have distinct images of smokers and they are more likely to smoke if their self-image is like the image they have of a smoker. The evidence I present below will show that the images adolescents have of smokers of specific brands are precisely the images that the tobacco companies convey in their marketing.

Further evidence of the importance of advertising in influencing adolescents to smoke comes from the studies I reviewed that show that adolescents who have favorable attitudes toward smoking—or even toward cigarette advertising—are more likely to smoke.

In the last set of studies I reviewed, the results show that adolescents' favorable views of smoking are due to cigarette marketing. These studies demonstrate that exposure to cigarette advertising increases favorable images and attitudes of smokers. Five of these studies are especially strong evidence that cigarette advertising influences adolescents, because they involved experimental manipulation of exposure to advertising that controlled for other possible influences. Each of these studies shows that, without regard to the level of parental or peer influences to smoke, adolescents who are exposed to cigarette advertising are influenced to view smoking and adolescent smokers more favorably or to believe that smoking is more prevalent among adolescents.

Q: Are the types of studies that you reviewed important for your assessment of the Defendants' marketing practices?

A: Yes. It is important to highlight the variety of study types that support the conclusion that the tobacco companies' marketing practices influence adolescents to smoke. Conclusions from scientific studies are stronger when the relationships under study are

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shown through a variety of methods. This is because any single method has limitations. In the present case, the evidence I have described includes studies of self-images, psychological needs, and general attitudes toward smoking as predictors of smoking. The impact of advertising has been measured in a variety of ways in these studies, including tests of recognition of advertisements, rated liking for the advertisements, and ratings of the degree to which the advertisements make smoking appealing. All of these measures have been shown to predict smoking. Smoking has been measured by self-reports of smoking and studies have also measured intentions to smoke or susceptibility to begin smoking. In addition, evidence has been presented that susceptibility predicts the later onset of smoking.

Q: In addition to the variety of study types, are there any other characteristics of the evidence you reviewed that are important for your analysis?

A: Yes. The studies I reviewed have also varied in design. Studies of relationships between measures of psychological needs; images of smokers; attitudes toward smoking; and exposure, recognition, and liking for advertisements have been related to smoking intentions and smoking behavior through both concurrent and longitudinal designs. There are studies in which exposure to advertising has been experimentally manipulated, a design that allows for particularly strong causal inferences. In short, there is a web of evidence that is consistent in showing that adolescents have a number of important needs, that cigarette marketing conveys to them that smoking can meet those needs, and that adolescents are motivated to and do take up smoking in the hopes of satisfying those needs.

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Q: Have you reviewed all relevant public health research for your analysis in this case?

A: No. I want to make clear that the evidence I have reviewed is not the only public health research regarding the influence of cigarette marketing on adolescent smoking. I have restricted my discussion to research regarding the impact of cigarette advertising on the images and attitudes that adolescents form about smoking and the ways in which the images of smokers lead adolescents to believe that they can meet important needs by smoking. There is a wealth of additional research about the impact of cigarette advertising and promotion on adolescents' intentions to smoke and actual smoking that shows that the tobacco companies' marketing practices do influence adolescents to smoke and is consistent with the research I have reviewed here. My understanding is that other experts will be testifying about this research in detail.

A list of some of these studies comprises Demonstrative 7. Each study, after controlling for peer and parental influences, found exposure to cigarette advertising to be an influence on smoking behavior or on intentions to smoke, over and above the influence of peers and parents. Indeed, in many of these studies, peer and parental influences were not even significant predictors of smoking behavior, when measures of advertising exposure were included in the analysis.

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III. *Philip Morris*

Q: Did you review Philip Morris's cigarette marketing?

A: Yes, with a focus on Marlboro, Virginia Slims, and Parliament.

Q: What types of Philip Morris materials did you review?

A: I reviewed Philip Morris internal documents on marketing research and planning. Some of the documents I reviewed were market plans and market research for the Marlboro, Virginia Slims, and Parliament brands; others were general Philip Morris marketing documents. I also reviewed Marlboro, Virginia Slims, and Parliament magazine and television advertisements, billboards, direct mail pieces, and point of sale materials. In addition, I reviewed a video tape on Marlboro promotional methods and I read depositions of Philip Morris employees.

Q: What do you conclude from your review of Philip Morris materials?

A: I drew two conclusions. First, Philip Morris knows that, in order to maintain or expand its share of the cigarette market, it must influence adolescents to smoke Philip Morris brands. Second, Philip Morris has consistently and successfully imbued Marlboro, Virginia Slims, and Parliament brands with images, themes, and attributes that make smoking these brands appealing to adolescents by communicating that smoking these brands will help them meet important psychological needs.

Q: Have you created a demonstrative that reflects these materials?

A: Yes, Demonstrative 8 shows the documents that support my conclusions.

A. Images that Appeal to Adolescents

Q: What is your first conclusion?

A: Philip Morris knows that, in order to maintain and expand its cigarette market, it must influence adolescents to smoke Philip Morris brands. Specifically, Philip Morris: (1)

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studied the smoking behavior of young people under 18, and analyzed the importance to its business of marketing to adolescents; (2) understands that most smokers start smoking by the age of 18; (3) understands that people remain loyal to the brand they start smoking as teenagers; and (4) understands that failure to get starting smokers to smoke Philip Morris's brands will mean that the Philip Morris brand share will erode over time.

Q: Can you provide some examples of documents that show that Philip Morris has studied the smoking behavior of young people under 18?

A: Yes. In 1953, Philip Morris commissioned the Roper Organization to study the smoking of 10,004 people 15 years of age and older. An October 7, 1953 memorandum from George Weissman, Vice President of Philip Morris, discussing the August 1953 Roper report stated that Philip Morris had its "… greatest strength in the 15-24 age group." 2022239142-9147 at 9144 (U.S. Exhibit 22,931).

In 1974, the Roper Organization prepared a report for Philip Morris on smokers 14 to 24. The report, entitled "A Study of Smoking Habits Among Young Smokers," indicated a concern about the threat of Kool to Marlboro's market dominance. Roper collected data from those aged 24 and under but there was "no lower age limit." The report noted:

> Interviewers were instructed to go to locations where young people as described in their quota assignments were likely to be found—near high schools and colleges, around young people's hang-outs such as soda fountains, recreation areas, parks, bowling alleys, beaches, lakes, etc.

In the report, the Roper Organization informed Philip Morris that "Marlboro is the starting brand for young whites, and Kool is the starting brand for young blacks." 1002646151-6185 at 6153, 6155 (U.S. Exhibit 20,140).

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Several other documents listed on Demonstrative 8 show that Philip Morris has assessed smoking among teenagers and young people including those as young as 12 years of age. 1003285497-5502 (U.S. Exhibit 20,160); 1003287418-7439 (U.S. Exhibit 23,387); 1000390803-0855 at 0810 (U.S. Exhibit 60,643); 1000306237-6239 (U.S. Exhibit 20,091); 2041761791-1801 (U.S. Exhibit 21,493); 2026306096-6108 (U.S. Exhibit 23,798).

A document using 1987 data entitled "Smoker Dynamics" indicates that Philip Morris was using the data it collected on 18-21 year olds to make inferences about the factors that influence young people under 18 to start smoking. Philip Morris stated in the document: "we don't interview anyone under 18. As a result, the 18-21 segment provides our best insights into new smokers." 2023741642-1678 at 1670 (U.S. Exhibit 37,043).

Q: How are these documents relevant to your conclusions?

A: Philip Morris's concern about its market share among those under 18 and its need for insights into "new smokers" reflects its understanding of the importance of this age group for its continuing cigarette business. Philip Morris understands that most smokers begin smoking in their teenage years, smokers remain loyal to the brand they begin smoking as teenagers, and thus, failure to get teenagers to smoke a Philip Morris brand would mean that Philip Morris's market share would erode over time.

Q: Can you provide some examples of documents supporting your conclusion that Philip Morris understands that most smokers start smoking by the age of 18?

A: Yes. A March 31, 1981 memorandum written by Myron Johnston, Senior Economist for Research and Development at Philip Morris, entitled "Young Smoker: Prevalence Trends, Implications, and Related Demographic Trends" outlined how vital teen smokers are to Philip Morris's business:

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> Today's teenager is tomorrow's potential regular customer, and the overwhelming majority of smokers first begin to smoke while still in their teens. In addition, the ten years following the teenage years is the period during which average daily consumption per smoker increases to the average adult level.

The memorandum also stated:

> [I]t is during the teenage years that the initial brand choice is made: At least part of the success of Marlboro Red during its most rapid growth period was because it became the brand of choice among teenagers who then stuck with it as they grew older.

1000390803-0855 at 0808 (U.S. Exhibit 22,334).

In a March 1984 report entitled "The Cigarette Consumer," Philip Morris stated that the cigarette market is "fed at one end by new smokers coming into the market each year as they reach smoking age." 2500002189-2207 at 2195 (U.S. Exhibit 21,460).

A Philip Morris report using 1986 data entitled "Smoker Dynamics" stated, "About three quarters of starting smokers are 21 years of age and younger." 2023741642-1678 at 1670 (U.S. Exhibit 37,043).

Q: Can you provide some examples of documents supporting your conclusion that Philip Morris understands that smokers remain loyal to the brand they begin smoking as teenagers?

A: In a March 1984 report entitled "The Cigarette Consumer," Philip Morris stated, "Smokers [are] extremely brand loyal." 2500002189-2207 at 2199 (U.S. Exhibit 21,460).

A July 1974 Roper Organization study indicated, "… Marlboro is holding a good proportion of its smokers past youth." 1002646151-6185 at 6158 (U.S. Exhibit 20,140).

Q: What do these documents demonstrate that is relevant to your conclusions?

A: These documents show that Philip Morris understands that young people are brand loyal. Other documents show that Philip Morris understands that if Philip Morris fails to get

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teenagers to smoke its brand, it is unlikely to get them to switch from another company's brand to a Philip Morris' brand later in life. A company that does not get its share of the youth market will face a slowly eroding market share overall as the young smokers age into their twenties.

Q: Can you provide some examples of documents supporting your conclusion that Philip Morris understands that failure to get teenagers to smoke a Philip Morris brand would erode its market share?

A: Yes. In a September 3, 1987 Philip Morris memorandum to Jon Zoler, Director of Marketing Research at Philip Morris, and others entitled "Handling an Excise Tax Increase," Myron Johnston, Senior Economist for Research and Development at Philip Morris, wrote:

> [T]he 1982-83 round of price increases caused two million adults to quit smoking and prevented 600,000 teenagers from starting to smoke. Those teenagers are now 18-21 years old, and since about 70 percent of 18-21 year-olds and 35 percent of older smokers smoke a PM brand, this means that 700,000 of those adult quitters had been PM smokers and 420,000 of the non-starters would have been PM smokers. Thus if Harris is right, we were hit disproportionately hard [by an increase in the excise tax]. We don't need to have that happen again.

2022216179-6180 at 6179 (U.S. Exhibit 76,177) (emphasis in original).

A March 31, 1981 report conducted by the Philip Morris Research Center entitled "Young Smokers Prevalence, Trends, Implications, and Related Demographic Trends" stated:

> Because of our high share of the market among the youngest smokers, Philip Morris will suffer more than the other companies from the decline in the number of teenage smokers. For at least the next decade, however, the population trends will have a much more powerful influence [namely the influx of teen smokers into their twenties where they will smoke at higher rates], and in this regard we would appear to be the least vulnerable of all the companies. …

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1000390803-0855 at 0809 (U.S. Exhibit 22,334).

In a 1992 report entitled "Worldwide Marlboro Monitor," Philip Morris stated that in order to "attract new starters" it must maintain the perception among young people that their peers smoke Marlboro:

> Thus, the vitality and development of the Marlboro Reds franchise depends on growing share of young adult smokers.
> In markets where Marlboro Red's share of young adult smokers has declined, share of starters was also down. Thus, the ability to attract new smokers and develop them into a young adult franchise is key to brand development. If the young adult smoker franchise is not growing, the brand profile ages over time, which means a smaller proportion of its smokers are in the prime target. As a result the brand is less visible and impactful among our target smokers and their peer group.
> However, in Marlboro Red's growth markets, the key indicators—share of starters, share of YAS, young brand profile and high image—are all positive and contributing towards building a strong franchise.

2044895379-5484 at 5389-5390 (U.S. Exhibit 85,185).

Q: How are these documents relevant to your conclusions?

A: These documents demonstrate that Philip Morris understands the impact that any downturn in teenage smoking would have on its continued economic vitality. Philip Morris has dominated the youth market with Marlboro, and it has become the dominant brand among adults, because those who started smoking Marlboro as adolescents have continued to smoke that brand as adults.

Q: What is your second conclusion?

A: Philip Morris understands the specific social and psychological needs that motivate adolescent smoking. Philip Morris focuses on how well its marketing communicates that its brands and its competitors' brands will meet these psychosocial needs. Philip Morris focuses on the following needs: (1) popularity and peer acceptance; (2) independence or autonomy; (3) excitement, fun, or risk taking; (4) masculinity, femininity, and

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attractiveness to the opposite sex; or (5) being cool or hip. Philip Morris marketing has consistently and successfully imbued Marlboro, Virginia Slims, and Parliament brands with images, themes, and attributes that make smoking these brands appealing to adolescents. The images, themes, and attributes communicate that smoking these brands will help adolescents to satisfy important adolescent needs.

Q: How did you reach that conclusion?

A: I reviewed Philip Morris documents that demonstrate its understanding of: (1) the fact that adolescents initiate smoking to fulfill certain psychological needs; (2) the specific social and psychological needs that motivate adolescents to smoke particular brands; and (3) the cigarette brand images that speak to those needs.

Q: What do these documents demonstrate that is relevant to your conclusions?

A: They show that Philip Morris recognizes that there are a set of psychological needs, such as appearing grown up and the need to rebel and to be accepted by peers, that motivate young people to begin smoking.

Q: Dr. Biglan, have you created a demonstrative with these documents?

A: Yes, I have created Demonstrative 9 that identifies documents that show Philip Morris's general understanding of the role of these psychological needs in motivating adolescent smoking.

Q: How have you organized the documents in Demonstrative 9?

A: For clarity, I have organized the documents according to the adolescent-relevant themes that I will discuss below. For example, in the first set of documents, Philip Morris discusses the theme of popularity.

Q: Are there other documents you do not include in Demonstrative 9 that relate to your conclusions about Philip Morris?

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A: Yes. The documents that focus specifically on the marketing of Marlboro indicate that Philip Morris also understands the value of communicating that Marlboro meets the psychological need to feel relaxed. Although relaxation is not a core feature of the brand image of Marlboro, it is often associated with the brand. Additionally, my testimony regarding Parliament will show that Philip Morris associates that brand with images of relaxation and escape to luxurious settings.

Further, as I will testify below, documents concerning the marketing of Virginia Slims show that Philip Morris understands that associating the brand with being slim, fashionable, and self-confident increases the appeal of the brand to young women because it meets their psychological need to feel attractive.

Q: Can you provide some examples of documents supporting your conclusions?

A: Yes. For example, in a 1969 presentation to the Philip Morris Board of Directors, Helmut Wakeham, the Head of Research at Philip Morris, addressed the question, "Why does one begin to smoke?" Dr. Wakeham stated:

> The 16 to 20-year old begins smoking for psychosocial reasons. The act of smoking is symbolic; it signifies adulthood, he smokes to enhance his image in the eyes of his peers. But the psychosocial motive is not enough to explain continued smoking. Some other motive force takes over to make smoking rewarding in its own right. Long after adolescent preoccupation with self-image has subsided, the cigaret [sic] will even preempt food in times of scarcity on the smoker's priority list.

1000273741-3771 at 3749 (U.S. Exhibit 60,664).

A March 1984 Philip Morris report entitled "The Cigarette Consumer" lists four reasons why "people begin smoking": "1. Peer pressure; 2. To rebel/assert independence; 3. To appear grown up; 4. To experiment." 2500002189-2207 at 2203 (U.S. Exhibit 21,460).

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A report to Philip Morris from Gibbons, Voyer, & Associates dated August 7, 1990 entitled "New Brand Opportunities in the Cigarette Industry" stated that "Marlboro dominates the young adult smoker market: initial exposure, peer pressure, meets image wants." 2049397333-7369 at 7348 (U.S. Exhibit 20,486).

In 1995, Philip Morris commissioned a study of women's issues as they related to marketing cigarettes. The research objective was to understand the lifestyle or attitudes that prompt switching from a "herd" to a "non-herd" brand. A herd brand is a youth popular brand smoked by many members of a particular peer group. Comments by focus group members included: "It used to be that everyone smoked Marlboro Lights, so you smoked them too"; and "When I smoked Marlboro Lights, I was someone who liked to fit in with the crowd. I was more into having fun and being cool." 2063684341-4371 at 4360 (U.S. Exhibit 39,818).

Q: Please discuss your conclusion relating to popularity and peer approval.

A: Philip Morris understands the role of popularity in motivating smoking. Philip Morris understands that a brand will do better if its perception is one of popularity or growing in popularity. As I testified earlier, adolescents who are concerned about being popular are highly motivated to embrace brands they believe are popular, since doing so will help them gain acceptance from others.

Q: Can you provide some examples of documents supporting your conclusions?

A: Yes. For example, a July 1974 Philip Morris marketing research report entitled "The New Competition for Marlboro's Franchise" stated, "This tendency to 'go with the leader' feeds on itself. As a brand increases in popularity, it is more likely to be adopted as 'the' brand to smoke." 1003287418-7439 at 7425 (U.S. Exhibit 23,387).

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An October 1994 Philip Morris document titled "Project Lighthouse Research Project: Proposed Marketing Support Plan" stated that Philip Morris "has the majority of the YAM [young adult male] 'Pie,' but there are two types of YAMS. 1. Those with affinity for mainstream (want to fit in). 2. Those with [sic] choose to be different (counter-culture, want to stand out)." The document went on to state that Marlboro had the first group (those who want to fit in) and Camel the second (those who want to stand out). 2072943674-3684 at 3675 (U.S. Exhibit 41,945).

A May 1999 Philip Morris study entitled "A National Market Structure Study" stated, "Young adults are influenced by peer popularity while 25's to 29's look to overall popularity in assessing brands." LB0124583-4647 at 4596 (U.S. Exhibit 33,374).

Another Philip Morris study from September 1999 analyzed consumer perceptions of brand flavor and strength of taste. Through statistical analysis, Philip Morris derived estimates of the importance of different brand attributes for selection of a brand. The analysis showed that "'rich taste' [was] less important to YAS [young adult smokers] and 25-34s—popularity is key." 2072468400-8420 at 8410 (U.S. Exhibit 41,545).

A March 22, 2000 internal memorandum from Matt Kowalski of Philip Morris entitled "Highlights from the Yankelovich Monitor" stated, "program concepts deemed most appealing promise young adult smokers and their friends the opportunity to meet people and socialize." 2072888346-8348 at 8347 (U.S. Exhibit 41,612).

Q: What is the relevance of these documents to your conclusion about popularity?

A: These documents demonstrate the understanding by Philip Morris that, as one document put it, "popularity is key."

Q: Please discuss your conclusion relating to independence and autonomy.

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A: Philip Morris understands that young people will be motivated to smoke a brand if they perceive that those who smoke it appear to be independent and autonomous.

Q: Can you provide some examples of documents supporting your conclusion?

A: Yes. A June 1995 qualitative study entitled "Young Adult Women's Issues" prepared for Philip Morris stated that "the theme of 'independence' was salient and aspirational to them." 2063684453-4480 at 4455 (U.S. Exhibit 39,819).

A November 1996 Philip Morris study of young adult male smokers (YAMS) characterized them in terms of individualism and independence and several other attributes. 2072468228-8313 at 8273 (U.S. Exhibit 41,543).

Q: What is the relevance of these documents to your conclusion about independence and autonomy?

A: Philip Morris is concerned with associating its brands with independence because it recognizes that independence is an attribute that is important for motivating the purchase of its brands. As I will describe later, documents concerning the marketing of the Marlboro brand also show Philip Morris's focus on the desire for independence and autonomy.

Q: Please discuss your conclusion relating to excitement, fun, adventure, and risk taking.

A: Philip Morris understands that young people will be motivated to smoke a brand if they perceive that those who smoke it have fun, excitement, adventure, or take risks.

Q: Can you provide some examples of documents supporting your conclusion?

A: Yes. For example, a May 1999 Philip Morris National Market Structure Study that discussed Young Adult Female Smokers (YAFS) and Young Adult Male Smokers

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(YAMS) stated, "YAFS favor a brand personality that is social and exciting. YAMS lead on interest in adventure." LB0124583-4647 at 4608 (U.S. Exhibit 33,374).

A March 22, 2000 internal Philip Morris memorandum summarizing the "lifestyle trends tracked by the Yankelovich Monitor" stated, "Today's consumers need to 'have fun.…" 2072888346-8348 at 8346 (U.S. Exhibit 41,612).

Philip Morris research on a portfolio of advertisements in February 2001 found that, among the descriptors of most appealing advertisements, respondents chose "adventurous" fifth most often and "bold/exciting" the sixth most often. 2081338936-8965 at 8946 (U.S. Exhibit 45,387).

I have listed additional documents relevant to these adolescent needs in Demonstrative 9.

Q: What is the relevance of these documents to your conclusion about excitement and fun?

A: These documents demonstrate that Philip Morris understands that conveying images of excitement, fun, adventure, and risk taking is important in making its brands appealing to young people.

Q: Please discuss your conclusion relating to masculinity, femininity and the opposite sex.

A: Philip Morris understands that it heightens the appeal of its cigarette brands by associating them with appealing images of masculinity or femininity.

Q: Can you provide some examples of documents supporting your conclusion?

A: Yes. An April 14, 2000 memorandum from Michael M. Cassidy, an employee of Philip Morris, to other Philip Morris employees entitled "YAM Scan II-Final Presentation Summary" stated, "If Marlboro Reds' strong masculine image were tempered with more

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sensitivity, this could achieve more of the image that today's YAM'S are looking for in a cigarette." 2072888182-8184 at 8183 (U.S. Exhibit 41,610).

The February 2001 Philip Morris document I cited above also reported that, among the descriptors of most-appealing advertisements, "sexy/hot" was the second most frequently chosen descriptor. 2081338936-8965 at 8946 (U.S. Exhibit 45,387).

In my testimony below, I have described numerous other documents concerning Philip Morris's use of images of masculinity concerning the Marlboro brand.

Q: What do these documents demonstrate that is relevant to your conclusion?

A: Philip Morris understands the value of associating its brands with masculinity or femininity and with images of sexual appeal.

Q: Please discuss your conclusion relating to being "cool" and "hip."

A: Philip Morris understands that cigarette brands associated with images of "hip" or "cool" people will be more appealing to young people. These attributes relate closely to popularity in that if young people appear to be "hip" or "cool," their peers are apt to like and admire them. As a result, Philip Morris assesses the degree to which these attributes are associated with its brands and with competitors' brands.

Q: Can you provide some examples of documents supporting your conclusion?

A: Yes. A September 22, 1989 report prepared for Philip Morris by Leo Burnett Company entitled "Young Adult Smoker Target: An In-Depth Look" presents an analysis of the 18-24 age group, focusing on their feelings, attitudes and opinions. Respondents answered interview questions about "What's Hot, Who's Cool." 2048677983-8044 at 7987 (U.S. Exhibit 76,182).

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In another document dated September 1999, Philip Morris researchers wrote, "Among YAMS, Marlboro represents authentic tobacco flavor while Camel represents a hip, urban 'flavor experience.'" 2072468400-8420 at 8412 (U.S. Exhibit 41,545).

In a May 1999 National Market Structure Study, Philip Morris reported that "Menthol YAS top brand personality item is cool/hip. . . . While YAFS focus on cool/hipness, 25-29's desire a more well rounded brand personality." LB0124583-4647 at 4632-4633 (U.S. Exhibit 33,374).

Philip Morris research on a portfolio of advertisements in 2001 "was conducted to identify which campaigns are most appealing based on: Overall appeal, uniqueness, Coolness. …" 2081338936-8943 at 8937 (U.S. Exhibit 45,387).

Q: What do these documents demonstrate that is relevant to your conclusion?

A: Philip Morris understands that, if a cigarette brand and those who smoke it appear to be "cool" or "hip," the brand becomes more appealing.

B. The Role of Brand Image

Q: Please explain your third overall conclusion.

A: Philip Morris understands the types of cigarette brand images that motivate smoking.

Q: What is a cigarette "brand image?"

A: Each brand has a characteristic image. The image is assessed in terms of numerous attributes, such as masculine, adventurous, "cool," popular, "for younger people," and exciting. The attributes most highly rated as being associated with the brand in consumers' minds characterize a given brand's image. For example, as I will testify below, the brand image of Marlboro involves masculinity and independence.

Shari Teitelbaum, Director of Marketing and Sales Decision Support at Philip Morris, when answering the question, "What exactly is brand image?" replied:

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> I would define it as what do consumers think of a brand whether its product attributes or other kind of imagery, who the smoker is, whatever. It's kind of a comprehensive view of the brand.

Deposition of Shari Teitelbaum, United States v. Philip Morris et al., April 16, 2002, 110:6-10.

A Philip Morris "Marketing Overview" that discussed "Highlights" from 1999 stated that a "Brand's image and emotions it evokes plays a major role in how consumers will perceive and respond to a brand." The document lists four aspects of brand identity: "Brand as Product (Attributes, Quality, Uses); Brand as Person (Personality, Customer Relationships); Brand as Symbol (Brand Heritage, Visual Imagery); Brand as Organization." 2080929994-0053A at 0000, 9999 (U.S. Exhibit 45,353) (emphasis in original).

Q: What is the purpose of brand image?

A: Through brand image, marketing communicates that smoking a particular brand will fulfill psychological needs, such as the need for popularity or for adventure. The brand image contributes to the value of the brand for the consumer. In other words, the value of a brand to the consumer develops from the attributes associated with that brand through marketing. The value of the brand is known as brand equity.

Q: How does Philip Morris define brand equity?

A: A Philip Morris "Marketing Overview" that discussed "Highlights" from 1999 defines brand equity as "… a set of assets (and liabilities) linked to a brand's name and symbol that adds to (or subtracts from) the value provided by a product or service." 2080929994-0053A at 9997 (U.S. Exhibit 45,353).

Q: How is brand image relevant to your conclusions?

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A: Adolescents are motivated to begin and to continue smoking in order to achieve the self-image and social status they desire. By creating a brand image that includes qualities such as masculinity or popularity, the brand—and those who smoke it—come to have those attributes in the minds of adolescents. The brand image has a three-fold effect: (1) the adolescent understands the cigarette brand itself to have attributes such as masculinity; (2) the adolescent believes that anyone who smokes the brand will have those attributes; and (3) the adolescent believes that he/she can have those attributes by smoking the brand. By imbuing a cigarette brand and its smokers with a valued attribute, Philip Morris motivates those who want that attribute and who want others to see them as having that attribute to smoke that brand.

Q: Can you provide an example of how Philip Morris has created a brand image?

A: As I will testify more thoroughly below, Philip Morris has imbued Marlboro with images of masculinity and independence so that adolescents associate masculinity and independence with the Marlboro brand, come to believe that smokers of Marlboro are masculine and independent, and conclude that they too will be masculine and independent if they smoke Marlboro.

Q: What do Philip Morris documents show about brand image?

A: Individuals choose cigarette brands based upon the brand's image—the attributes associated with a brand via marketing. There is evidence that the brand's image is more important than the actual taste of the cigarettes and that, in buying a cigarette brand, adolescents are paying for the brand image.

Q: Have you created a summary chart of documents that discuss Philip Morris's understanding of brand image and related concepts?

A: Yes, it is Demonstrative 10.

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Q: Can you provide some examples of Philip Morris documents that support your conclusion?

A: Yes. Studies by both Philip Morris and other tobacco companies show that a brand image influences smokers' choices more than a cigarette's taste does. For example, in his presentation to the Philip Morris board in November 26, 1969, Helmut Wakeham stated:

> Incidentally, another study on this subject demonstrated rather dramatically that the menthol coolness ascribable to our competitor's Kool cigaret [sic] is attributable to its name and brand image rather than the taste of the smoke per se. When the Kool cigaret [sic] was compared to our Marlboro Menthol with the brand identity concealed, menthol smokers, including regular Kool smokers, could not tell the difference. When these same smokers smoked these same cigarets [sic] in their regular packages, most of the menthol smokers chose the Kool cigarette to be the 'cooler' smoking and the Marlboro to be less menthol tasting and more tobacco tasting. [emphasis in the original]

1000273741-3771 at 3745 (U.S. Exhibit 26,080).

Q: What does this document show?

A: This document demonstrates that Philip Morris knows that even taste perceptions of cigarettes are influenced more by the cigarette brand image than they are by the physical constituents of the inhaled smoke.

Q: Can you provide another example of a Philip Morris document that supports your conclusion?

A: A 1996 Philip Morris document that discussed the "PM USA Agenda" stated "Consumers Will Choose Brands Based on Equity Rather than on Price Alone." 2041448063-8214 at 8066 (U.S. Exhibit 23,905).

That is, the brand's value or equity, which as I have just shown is largely a function of the brand's image, influences the choice of brand.

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One can estimate, with some precision, the value of a given brand. For example, as Dr. Chaloupka testified in this case, adolescents are price sensitive and less likely to smoke when the price of cigarettes rises, and tobacco companies are well aware of this fact. Yet, young people seldom smoke generic brands. Thus, despite their sensitivity to price, teenagers are paying considerably more for Marlboro than they would for generic or discount brands, because of the images with which Philip Morris imbues its cigarette brands, which promise to meet their psychological needs.

Q: Why are teenagers willing to pay more for Marlboro than for generic cigarettes?

A: Teenagers are willing to pay more for Marlboro because they are buying all of the attributes that Marlboro marketing has successfully associated with that brand, such as masculinity, ruggedness, and independence. A 1993 document entitled "Marlboro Worldwide Creative Issues and Guidelines" explained:

> [I]t is essential . . . to be delivering outstanding well targeted advertising, primarily to build brand and advertising awareness and to provide the brand with an aspirational value that allows it to command its premium price.
>
> 2501174579- 4584 at 4580 (U.S. Exhibit 45,906)

Q: Has any Philip Morris employee provided deposition testimony relevant to this issue?

A: Yes, Howard Willard, Senior Vice President of Philip Morris Youth Smoking Prevention.

Q: What testimony would you point the Court to?

A: Howard Willard testified: "I have come to the conclusion that youth smoking is not a brand decision that [a] child makes. What they are making is the decision to decide to try a cigarette. And the brand is relatively unimportant to them . . . . I've always, from the research that I've looked at, viewed that children are making a decision to smoke rather

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than making a brand based decision." Deposition of Howard Willard, United States v. Philip Morris et al., August 5, 2004, 180:23-181:2; 182:5-8.

Q: Is Mr. Willard's testimony consistent with the Philip Morris documents you have discussed and cited above?

A: No. Furthermore, despite their price sensitivity, most adolescents continue to smoke a small number of premium brands, such as Marlboro, which cost considerably more than generic brands. The images of these brands speak to the psychological needs of adolescents. Adolescents are choosing to smoke Marlboro because Marlboro speaks to their psychological needs. The evidence I have considered shows that the image of a brand that is conveyed by the marketing of that particular brand influences the choices of adolescents.

Q: Does any research support Mr. Willard's statement that an adolescent makes a decision to become a smoker and then later chooses a brand to smoke?

A: No. The research shows that adolescents begin smoking because they have come to believe that doing so will enhance their self-image and help them satisfy the psychological and social needs I testified about earlier. The brand and smoker image conveyed by the tobacco companies through marketing is pivotal in motivating both adolescents' beginning to smoke and their choice of brand. The very notion of smoking arises from the sense that adolescents can meet their needs such as masculinity or popularity by smoking. As Philip Morris marketing research makes clear, the marketing of cigarettes is the source of these images.

Q: Have you reviewed documents from other tobacco companies discussing the importance of cigarette brand images?

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A: Yes. R.J. Reynolds is also aware of the dominant role that brand image plays in smokers' brand choices, especially among younger people. An internal R.J. Reynolds' memorandum dated October 23, 1980 stated, "In fact, I believe the younger adult smokers are even more influenced by brand name than other smokers. Smokers of Marlboro Lights and Camel Lights are not so much smoking fuller flavor low tar brands as they are smoking Marlboro and Camel." 500686301-6313 at 6301 (U.S. Exhibit 21,566)

Brown & Williamson is also aware that brand image is a bigger factor in the perception of cigarettes than the taste of the cigarette. A "Viceroy Agency Orientation Outline" from 1976 described the results of blind taste tests in which Winston smokers chose Winston over Viceroy only 55 to 45%, Marlboro smokers chose Marlboro over Viceroy 65 to 35%, Viceroy smokers chose Winston over Viceroy 53 to 47%, and Viceroy over Marlboro 51 to 49%. Brown & Williamson concluded that "We firmly believe that smoker's taste perception is heavily influenced by advertising: i.e., they perceive what they are led to expect." 680116947-6968 at 6956 (U.S. Exhibit 21,877).

Q: What do these documents demonstrate?

A: The tobacco companies understand that young people's perceptions of cigarette brands are influenced more by brand imagery than they are by the taste of the cigarette itself.

C. Marlboro

Q: Dr. Biglan, let's turn to Marlboro. What did you conclude from your review of Philip Morris and Leo Burnett Marlboro documents and marketing materials?

A: I concluded that, through its marketing of Marlboro, Philip Morris associates the brand with themes and images of masculinity and independence which make the brand appealing to adolescents. In addition, Philip Morris marketing of Marlboro

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communicates that the brand is very popular and thereby influences adolescents to believe that smoking Marlboro will enhance their acceptance by their peer group because they are smoking the leading brand.

In addition to these primary themes, Philip Morris also associates the Marlboro brand with themes and images of excitement and adventure and sometimes associates the Marlboro brand with themes of relaxation. As I have testified above, all of these themes are important to adolescents.

Q: Have you created a demonstrative related to your conclusions about Marlboro?

A: Yes, I have created Demonstrative 11 to show the documents that support my conclusion.

1. Masculinity

Q: What is your conclusion about masculinity and the Marlboro brand image?

A: Masculinity is one of the "core values" for Marlboro. As Steven Sampson Senior Brand Manager for Marlboro, testified, the core values for Marlboro are "freedom, adventure, master of own destiny, masculinity." He stated further, "If you look at the Marlboro man, inherently, he is masculine." Deposition of Steven Sampson, United States v. Philip Morris, et al., April 12, 2002, 127:3-128:13.

Q: Can you give examples of Philip Morris documents that support your conclusion about the theme of masculinity?

A: Two examples of Philip Morris's association of masculinity with the Marlboro brand are Philip Morris documents from 1991 and 1992 that compare Marlboro's brand image with Camel's brand image. A February 6, 1991 memorandum from Philip Morris employees Jeanne Bonhomme and Karen Eisen to James Taylor, Brand Manager of New Products at Philip Morris, entitled "Marlboro/Camel Consumer Research" analyzed the perceived attributes of Joe Camel and the Marlboro Man among 18-24 year old males and found

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that "Marlboro owns valuable image dimensions quite different from Camel. Marlboro is 'Rugged and Macho.'…" 2071581345-1365 at 1345 (U.S. Exhibit 40,490).

A March 1992 report prepared for Philip Morris entitled "The Viability of the Marlboro Man Among the 18-24 Segment" reported on a series of focus groups designed to clarify the image of the Marlboro Man. The document concluded that the Marlboro Man was quite successful in conveying a masculine image which was described as:

> All-American; hardworking/trustworthy; rugged individual, man's man (experienced, sure of self, confident, in charge, self-sufficient, down to earth, cool/calm, get the job done); admire his strength. …

2045060177-0203 at 0186 (U.S. Exhibit 20,459).

A December 21, 1995 report on 16 focus groups conducted with male Marlboro smokers stated, "The most common associations with the brand [Marlboro Reds] were 'rugged,' 'tough,' 'masculine,' 'cowboy,' 'outdoors,' and the 'West.'" 2047134293-4297 at 4293 (U.S. Exhibit 89,187).

In a 1999 document entitled "Marketing Research," Philip Morris listed key features of the Marlboro image:

> - The Marlboro image is unique in the way it combines aspirational and approachable qualities
> - The aspirational dimension is comprised of traits such as individualism, adventurousness, freedom, confidence, excitement and mastery
> - Represents the masculine ideal;
>   - He's in charge of himself and his destiny;
>   - *He usually gets what he wants*;
>   - *You go to him, he doesn't come to you.*
>
> These are the core values of Marlboro Country . . . Masculinity, Freedom, Adventure, Limitless Opportunities, Self-sufficiency, Mastery of Destiny, Harmony with Nature.

2080929994-0053A at 0013, 0017 (U.S. Exhibit 45,353) (emphasis in original).

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A 1999 Philip Morris study concluded that Philip Morris direct mail efforts, such as *Unlimited Magazine*, promotions, savings/coupons/mainline mailing, and gear, contributed to higher ratings on the "masculine" attribute. 2073318205-8466 at 8229 (U.S. Exhibit 42,965).

Additional documents cited in Demonstrative 11 support my conclusion regarding Philip Morris's association of Marlboro with masculinity.

Q: How are the documents you just discussed relevant to your conclusion?

A: They show that a core image of the Marlboro brand and the Marlboro smoker is masculinity. Philip Morris understands that its marketing is achieving this image and that the image makes the brand appealing. Those who aspire to masculinity can achieve it by smoking this brand. Philip Morris carefully monitors the degree to which it maintains this image, and—through its marketing—cultivates and further dimensionalizes it.

Q: Did you review any documents from other companies that informed your conclusion?

A: Yes. R.J. Reynolds also understood the importance of the masculine image for Marlboro's success. A July 3, 1974 memorandum authored by Donald Tredennick, Manager of Consumer Research for R.J. Reynolds, stated, "Marlboro is often selected initially because . . . its advertising has consistently communicated a manly, tough confident user image and smoking characteristics consistent with this image. This image conforms closely with many young smokers' need for 'support' in stressful situations." 500574161-4170 at 4166 (U.S. Exhibit 67,921).

Similarly, a March 6, 1985 Brown & Williamson memorandum from Brand Assistant A.G. Forsythe stated, "Marlboro built its business on the masculine Marlboro country TA campaign…." 554000052-0060 at 0053 (U.S. Exhibit 20,937).

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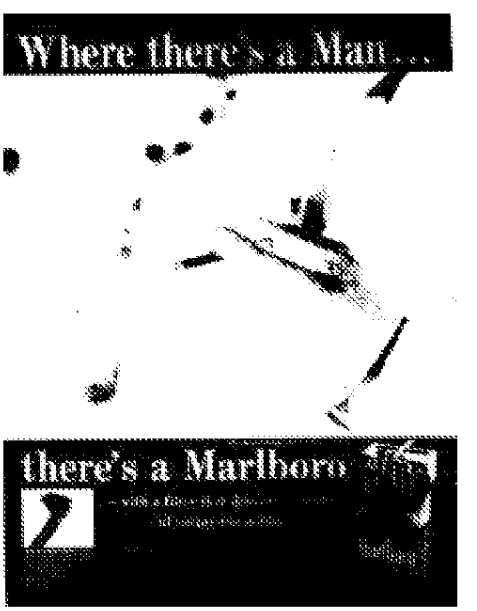
Q: What do these documents demonstrate that is relevant to your conclusion about the association of Marlboro with masculinity?

A: I conclude that the tobacco companies understand that Marlboro appeals to adolescents because of its quintessentially masculine image.

Note that R.J. Reynolds, in its memorandum cited above, talks about why smokers *initially select* Marlboro. R.J. Reynolds understands that Marlboro's masculine image influences adolescents' initial brand choices. Similarly, Brown & Williamson understands that the Marlboro image of masculinity was the key to the brand capturing such a large market share—a market share that I have shown resulted from teenagers smoking the brand and remaining loyal to it.

Q: Can you provide examples of Marlboro advertisements that involve masculinity?

A: Yes. Since the 1950s, Philip Morris has made masculinity a core image of the Marlboro brand. The Marlboro slogan in 1958 was, "Where There's a Man, There's a Marlboro." Although initially the men shown in Marlboro advertisements had a variety of occupations, the advertising eventually settled on the image of a rugged, hard working cowboy who can take care of himself in wide-open spaces. The image has been refined and extended through a consistent and sophisticated marketing campaign ever since. On this and the following pages, I present examples of the Marlboro Man over the past four decades.



***Sports Illustrated*, 1958**
(ADV0110459; U.S. Exhibit 2,815)

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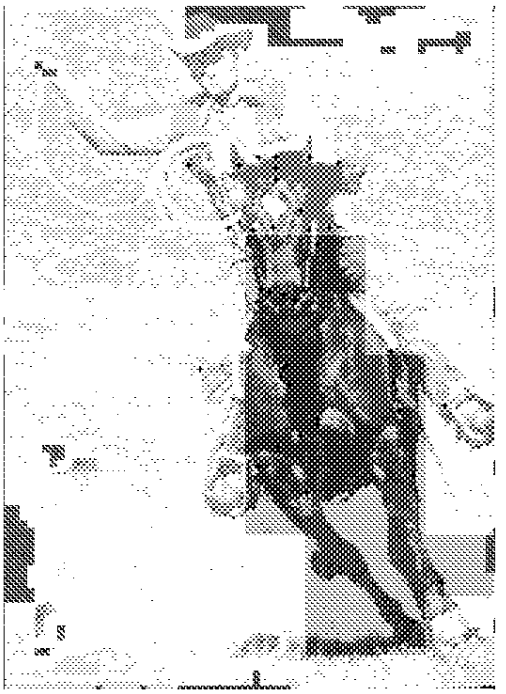
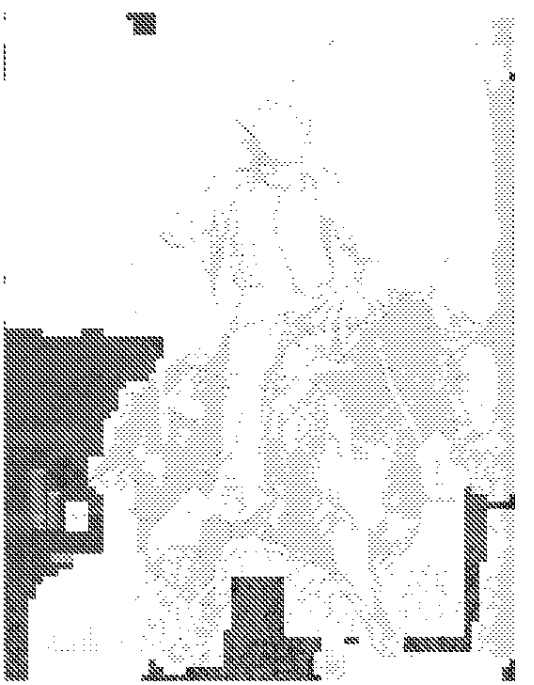


***Sports Illustrated*, August 23, 1971**
(ADV0121731, U.S. Exhibit 3,567)



***Sports Illustrated*, September 3, 1973** (ADV0140105-0107, U.S. Exhibit 4,099)

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***Sports Illustrated*, October 22, 1973**
(ADV0140263, U.S. Exhibit 4,151)

***Sports Illustrated*, 1979** (ADV0180660-0662, U.S. Exhibit 6,016)

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Substantial portions of www.industrydocuments.ucsf.edu/docs/tgjl0001

***Rolling Stone*, March 22, 1979**
(ADV0031346-1348, U.S. Exhibit 371)

***Sports Illustrated*, 1986**
(ADV0230683-0684, U.S. Exhibit 8,131)

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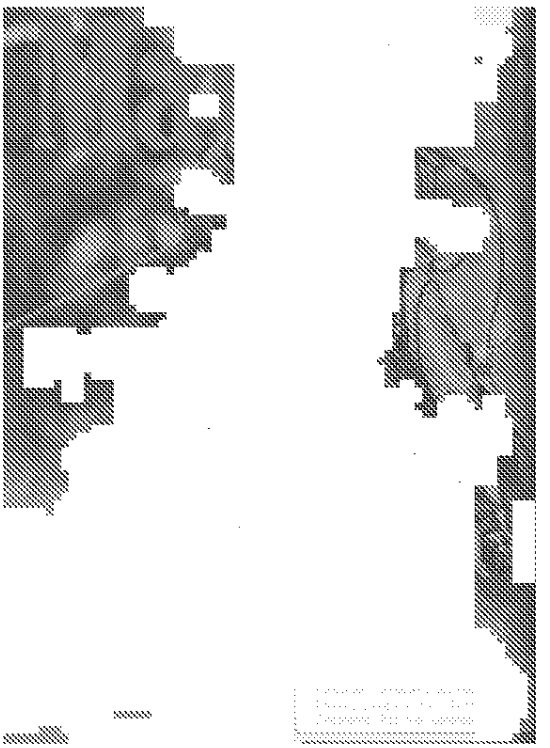
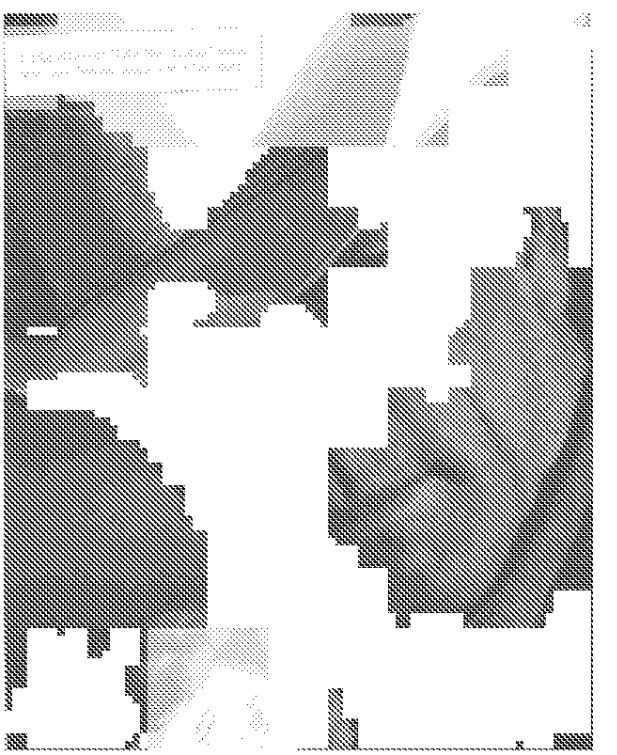


***Sports Illustrated*, February 3, 1992**
(ADV0250988-0990, U.S. Exhibit 9,062)



***Rolling Stone*, June 30, 1994**
(ADV00809050907; U.S. Exhibit 2,119)

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Substantial portions of www.industrydocuments.ucsf.edu/docs/tgjl0001

***Marlboro Unlimited Magazine*, Fall 1998** (3000101412-1545, U.S. Exhibit 47,303)

***Life*, August 1998** (ADV0530016-0018, U.S. Exhibit 12,505)

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Support provided by the Industry Documents Library: www.industrydocuments.ucsf.edu/docs/tgjl0001

***Playboy*, July 2001** (ADV0900513-0515, U.S. Exhibit 15,245)

Q: Did any other advertising for Marlboro associate the brand with masculinity?

A: Yes. Television advertising of the 1950s and 1960s stressed that the Marlboro smoker was a rugged man. For example, one of the TV advertisements for "Marlboro Country" touts "A man's world of flavor" and shows a man alone on a mountain. "All the company he needs is a good tasting smoke."

Q: Does Philip Morris communicate masculinity in these various advertisements?

A: It consistently associates attractive and eye catching images of handsome, rugged men with the brand and smokers of the brand.

Q: How does the theme and image of masculinity associated with Marlboro appeal to adolescents?

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A: As I testified earlier, rugged masculinity is perhaps the single most important image attribute that adolescent boys need to ensure their social success. Most adolescent males are seeking to establish a masculine self-image and a masculine image with their peers that makes them feel confident and successful and that helps them achieve acceptance. Philip Morris's marketing of Marlboro addresses these psychological needs in two ways. First, thanks to the image of a Marlboro smoker established through marketing, the adolescent boy can feel rugged and masculine simply by smoking Marlboro. Second, because his peers also have seen these images, they will see him as rugged and masculine if he smokes Marlboro. Similarly, if girls see him as rugged and masculine because of Marlboro's masculine brand image, they are more likely find him appealing. In short, the masculine Marlboro image conditions both the individual adolescent male and his peers.

2. Independence, Autonomy, and Freedom

Q: What is your conclusion about independence, autonomy, and freedom?

A: Independence, autonomy, and freedom are important dimensions of the Marlboro brand image.

Q: Could you provide some examples of Philip Morris documents supporting your conclusion?

A: Yes. As shown in the chart identified as Demonstrative 11, Philip Morris discussed in its internal documents the importance for Marlboro of imagery involving independence, freedom, or autonomy. More than 40% of male smokers surveyed named "independent" as one of the images they associated with Marlboro. 2062310887-1016 at 0912 (U.S. Exhibit 39,453).

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A document shows that Philip Morris recognized that "independent" was a frequently endorsed attribute of the Marlboro brand personality. 2703203355-3370 at 3360 (U.S. Exhibit 89,188).

A March 1992 analysis prepared for Philip Morris on the viability of the Marlboro Man among 18-24 year olds discussed "The Cowboy as a symbol . . . Desire to be independent, …Self-sufficiency . . . The ability to be a man … risk taker, vigor, vitality, rugged, stand up and be counted. Desire for Freedom . . . sense of adventure." 2045060177-0203 at 0184 (U.S. Exhibit 20,459).

Marlboro smokers describe themselves in these terms also. A June 23, 1995 internal Philip Morris memorandum to Nancy Lund, Senior Vice President for Marketing at Philip Morris, summarizing a report on female Marlboro focus groups stated that "… many of these smokers described themselves as 'bold,' 'outspoken,' 'independent and 'strong.' Further, they view Marlboro as representing these qualities and therefore immediately identify with a brand image." 2040910847-0848 at 0847 (U.S. Exhibit 23,899).

The Marlboro Mainline Pool Research among Young Adult Male Smokers (YAMS) in 1997 stated as one of its key findings:

> Core brand values of freedom (openness of land), independence, lack of restraints/limits, strong-willed, ruggedness continue to be underscored by the Big Country group as a whole.

2073298480-8559 at 8497 (U.S. Exhibit 42,893).

Philip Morris qualitative research from 2001 on direct mail marketing has shown that direct mail pieces also convey themes of freedom. Focus groups looking at a proposed direct mail piece called "Road Trip" reported that the piece "tapped into emotions of freedom and adventure. It's about escaping from the day-to-day worries and

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stress. It's being free and easy. You've got no commitments and you can relax." 2081339427-9434 at 9427 (U.S. Exhibit 45,398) (U.S. Exhibit 45,399).

I have included additional documents in Demonstrative 11 that support my conclusion that Philip Morris imbued Marlboro with themes of independence, autonomy, and freedom.

Q: What do you conclude from these documents?

A: To answer that question I would first return to the description I gave of many adolescents who are struggling with increased demands from school and family, are chomping at the bit to have more freedom, and are not really happy with the situation they find themselves in. The focus group descriptions I just cited show that Marlboro advertising is conveying very powerful images of just the things such a young person is seeking. It may be difficult to put oneself in the shoes of an adolescent, but when a needful young person thinks about picking up a pack of Marlboros, as a result of such image advertising, he will feel a sense of freedom, a sense of independence, and an escape "from the day to day worries and stress" that makes smoking Marlboro seem like a way to gain the freedom he so desires.

Q: Does any deposition testimony of Philip Morris executives that support your conclusion?

A: Yes. Several Philip Morris executives testified about the images of freedom, independence, masculinity, and autonomy that Philip Morris conveys through its marketing of Marlboro.

As noted above, Steven Sampson, Senior Brand Manager for the Marlboro Brand, testified that Marlboro's core values include "freedom" and being "master of own destiny." He stated, "When you are in the west, there is absolutely no confinement at all

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where the Marlboro man lives, so his opportunities to do the things that he enjoys doing are absolutely limitless." Many Marlboro advertisements communicate this limitlessness. Sampson stated, "If you look at Marlboro imagery and you look at the advertising, most of it is shot in some of the most beautiful locations in the world out west, and it is about freedom. It is the untamed frontier." Deposition of Steven Sampson, United States v. Philip Morris, et al., April 12, 2002, 130:10-15; 127:13-19.

In June 2002, Suzanne LeVan, Philip Morris Vice-President for Marlboro, testified, "Marlboro's brand imagery is a [sic] image that portrays quality, freedom, independence, adventure, and the gateway to the American frontier, the American West." Deposition of Suzanne LeVan, United States v. Philip Morris, et al., June 25, 2002, 124:12-17.

Q: How does this testimony support your conclusion?

A: As can be seen, both of these key Philip Morris executives responsible for marketing the Marlboro brand describe the qualities of independence and freedom that Philip Morris successfully associates with Marlboro.

Q: Can you provide examples of Marlboro advertisements that show themes of independence, autonomy, and freedom?

A: Yes. On the following pages are some examples of images of the open expanse of Marlboro Country. As Philip Morris marketing research shows, these limitless horizons and untamed landscapes communicate independence, autonomy, and freedom. They also show the Marlboro Man—a self-sufficient cowboy who is tough enough, and skilled enough, to make his way in this world.

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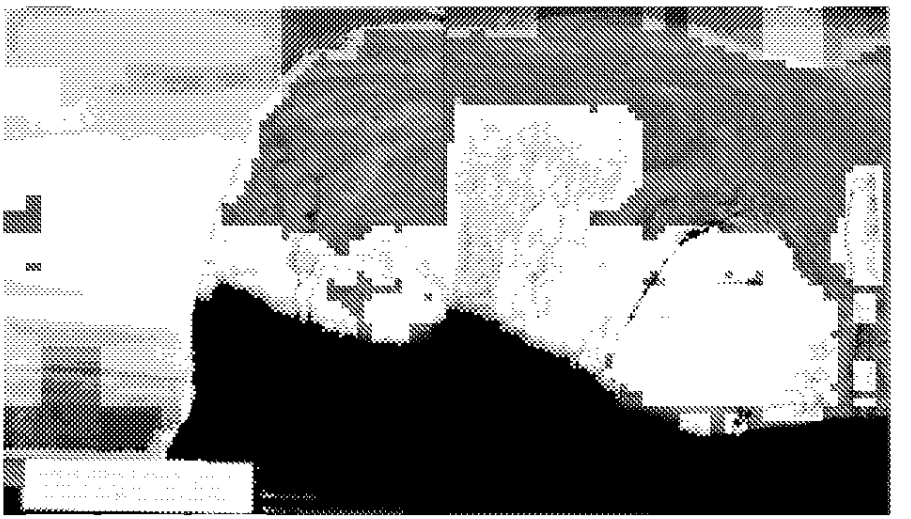
The first advertisement conveys the strikingly beautiful, untamed frontier that Mr. Sampson described.



Life, January 1998 (ADV03200520056, U.S. Exhibit 10,688)

The second advertisement also shows the expanse of Marlboro Country.

***Life*, September 1998** (ADV05300220024, U.S. Exhibit 12,507)

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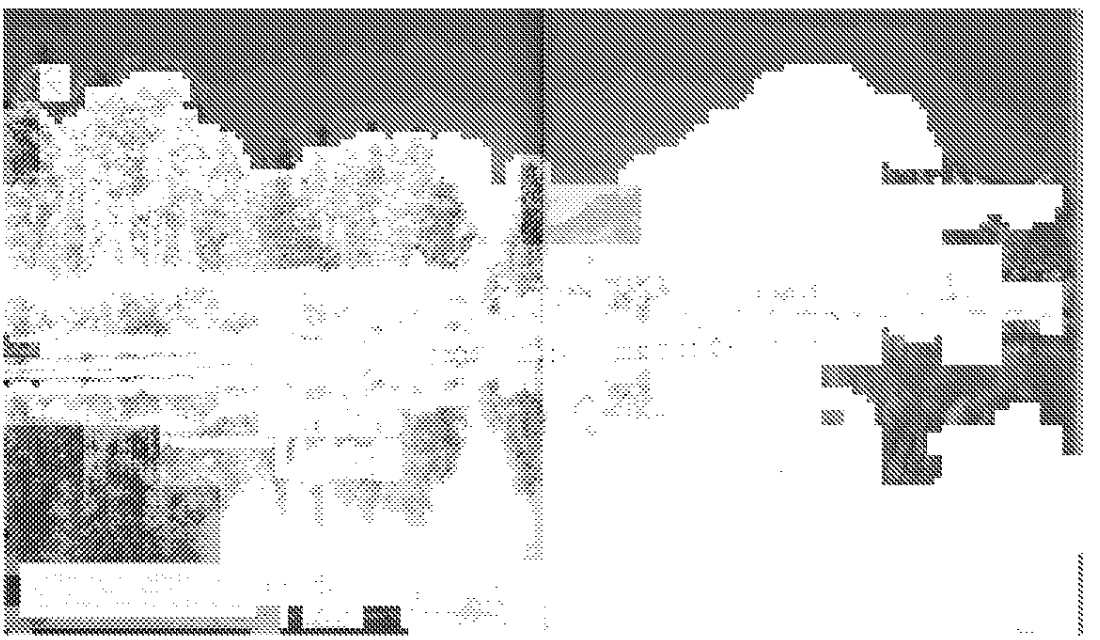
The following advertisement, from Philip Morris's *Unlimited* magazine, which Philip Morris sends through its direct mail program, conveys tranquility and freedom.



***Unlimited* Magazine, Fall 2000** (PM3000102493-2624, U.S. Exhibit 47,311)

***Sports Illustrated*, 1990** (ADV0250270-0272, U.S. Exhibit 8,833)

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Support provided by the Industry Documents Library: www.industrydocuments.ucsf.edu/docs/tgjl0001

The above advertisement also shows the expanse of Marlboro Country. For an adolescent with the cares I have described, the idea of being a cowboy in this far off, beautiful, and adventurous place could be very inviting.

Q: How do these advertisements relate to your conclusions on adolescent psychological needs?

A: As I testified, many adolescents feel constrained by the controls that parents and teachers put on them. This makes them want to feel more free and independent. Due to the imagery in these advertisements, Marlboro cigarettes become a symbol of freedom, autonomy, and independence. As Philip Morris eloquently makes clear in a 1993 document entitled "Marlboro Worldwide Creative Issues and Guidelines," Marlboro Country is just such a place of freedom:

> From an image standpoint, Marlboro stands for self-confidence, freedom of choice, leadership, strength, independence. The advertising proposition is: 'Come to Where the Flavor Is…Come to Marlboro Country' Marlboro country is about fantasy and escape—a mythical place and state of mind where you are who you choose to be, command your own destiny and do what others only dream about.

2501174579-4584 at 4583 (U.S. Exhibit 45,906). An adolescent can come to this wonderful country simply by smoking Marlboro.

As shown by the Philip Morris research I described above and additional documents I listed in Demonstrative 11, Philip Morris very effectively conveys these images. As a result, adolescents in need of a sense of independence are motivated to smoke Marlboro.

*3. **Adventure and Excitement***

Q: What is your conclusion about adventure and excitement as those themes relate to Philip Morris's Marlboro Brand?

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A: Philip Morris associates the Marlboro brand image with adventure and excitement through print advertisements, point-of-sale advertisements, *Unlimited Magazine*, and other direct mail marketing.

Q: Can you provide examples of Philip Morris documents that support your conclusion?

A: Yes. A June 18, 1999 Philip Morris memorandum concerning Philip Morris's direct mail marketing magazine, *Unlimited Magazine,* stated, "The magazine has an action/adventure format and tries to represent the core equities of the brand." 2073578697-8699 at 8697 (U.S. Exhibit 43,352).

A 1998 marketing research study found that 67% of "prime prospects" rated themselves as "exciting," implying that themes of excitement would be appealing to them. 2073308046-8067 at 8055 (U.S. Exhibit 42,897).

A November 1999 Philip Morris study entitled "Marlboro Direct Mail Equity Study" that discusses direct mail marketing efforts (including Unlimited Magazine, YAS equity, YAS promotional, Savings/coupons/mainline mailing, and gear) stated that these programs contribute to higher ratings on "active, likes action/excitement, lives life to fullest." 2073318205-8466 at 8229 (U.S. Exhibit 42,965).

Additional documents cited in Demonstrative 11 support my conclusion that Philip Morris has imbued the Marlboro brand with attributes of adventure and excitement.

Q: Can you provide another example that shows that Philip Morris has been successful in associating the Marlboro brand with excitement and adventure?

A: Yes. The Philip Morris Marlboro Marketing Mix Study from February 1996 is a good example of the type of research that Philip Morris has done on the Marlboro brand.

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Philip Morris conducted this study to explore the impact of the different Marlboro marketing activities because "The scope of marketing exposures has exploded over the past 10 years." In its overview, the study notes, "young adult male Marlboro Red smokers" are the "most image-conscious segment." The study involved 2,203 personal interviews in 40 geographically dispersed markets. The sample consisted of 18-to 34-year-olds who smoked Marlboro Red or Marlboro Lights. As is typical of these studies, Philip Morris researchers overweighted the sample for 18 to 24-year-olds. The study also included in-depth interviews of 50 "Young Adult Male" ("YAM") Marlboro Red Smokers.

Without seeing any marketing materials, participants were asked the question, "What comes to mind when you think of Marlboro?" After answering, they reviewed a list of statements people use to describe cigarette brands and were asked to rate how well each statement applied to Marlboro. Finally, participants viewed a list of descriptions of different types of people and researchers asked them "to rate each item on how well it describes Marlboro, the person." Philip Morris used these data to define the Marlboro core image.

Philip Morris assessed respondents' reactions to communication materials relating to each equity or marketing activity (such as "Racing" or "Gear" programs). The aim was to see what each different marketing activity added to the core image of Marlboro. With respect to racing, Philip Morris found that, after being exposed to racing marketing communications, respondents rated the following items higher than they had rated the Marlboro core personality: active, adventurous, likes action/excitement, aggressive, a leader, macho, energetic, driven to succeed, masculine, mechanically oriented, upscale, and discriminating/ demanding. With respect to the racing equity, the report concluded:

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"Racing is a rich source of excitement, energy, and competitive spirit for Marlboro." This study shows how Philip Morris dimensionalizes Marlboro's core image through its racing programs, which allow it to add the dimensions of excitement and adventure to the brand. 2062311535-1551 at 1536, 1538, 1541, and 1549 (U.S. Exhibit 39,520).

As another example, a Marlboro Marketing Mix Monitor in 1999 obtained ratings of the image of Marlboro. It stated that the core personality of Marlboro included "adventurous, active, likes action/excitement, and lives life to the fullest." 2703811701-1762 at 1720 (U.S. Exhibit 46,169).

Other documents showing that Philip Morris associated Marlboro with adventure or excitement and that Marlboro smokers see themselves as having these traits are in the summary chart labeled Demonstrative 11.

Q: What do these documents show?

A: They show that Philip Morris tracks whether its marketing is conveying these attributes of excitement and adventure. Other documents also show that Philip Morris is quite successful in communicating that a Marlboro smoker leads a life of adventure and excitement.

Q: Did any deposition testimony you reviewed inform your conclusions?

A: Yes. Senior Marlboro Brand Manager Steven Sampson testified at his deposition, "If you look at the Marlboro man, the cowboy, his life is an adventure. It is days of dealing with everything from weather, working with the rain, dealing with animals, sleeping out under the stars." Deposition of Steven Sampson, United States v. Philip Morris et al., April 12, 2002, 127:20-128:5.

This testimony is further evidence that Philip Morris markets Marlboro by associating it with images of excitement and adventure.

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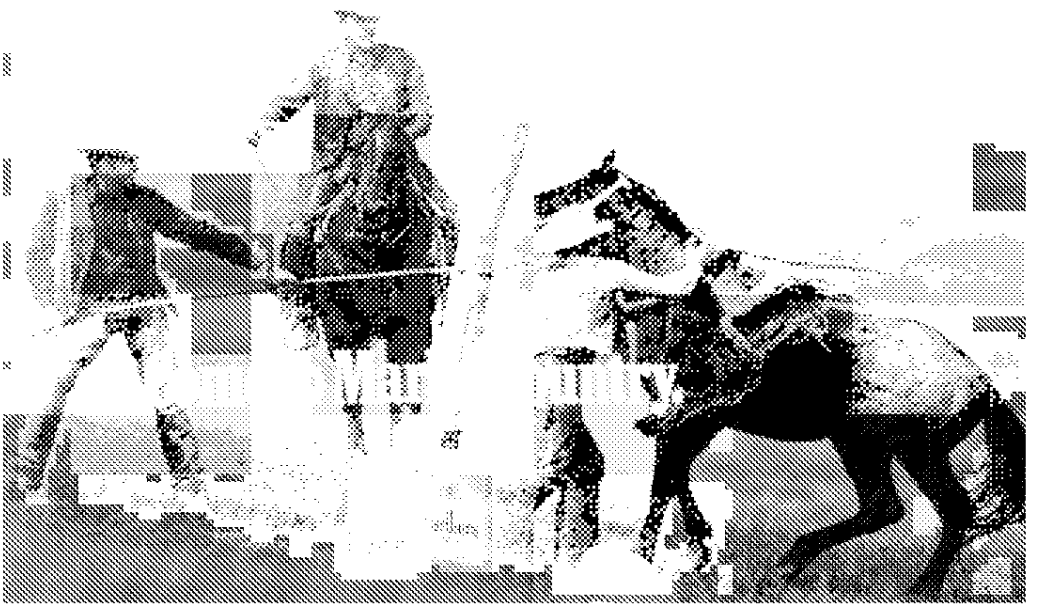
Q: Can you provide some examples of advertisements that associated excitement or adventure with the Marlboro brand?

A: Yes. Following are a variety of magazine advertisements over a range of years that associate the Marlboro brand with images of excitement and adventure. Each advertisement shows Marlboro men engaged in exciting and possibly dangerous activities. An adolescent with a high need for sensation or an interest in adventure and excitement would find these advertisements particularly appealing.



***Sports Illustrated*, June 27, 1983** (ADV0211324-1325, U.S. Exhibit 7,509)

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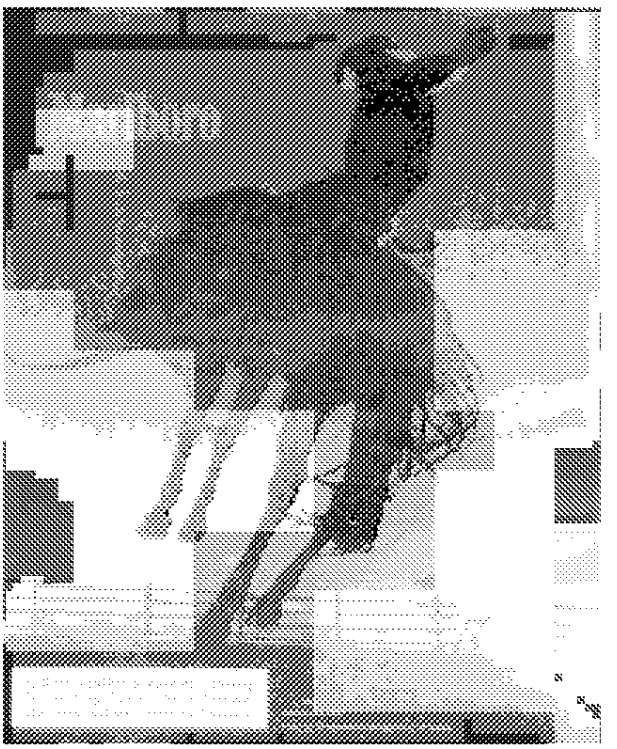
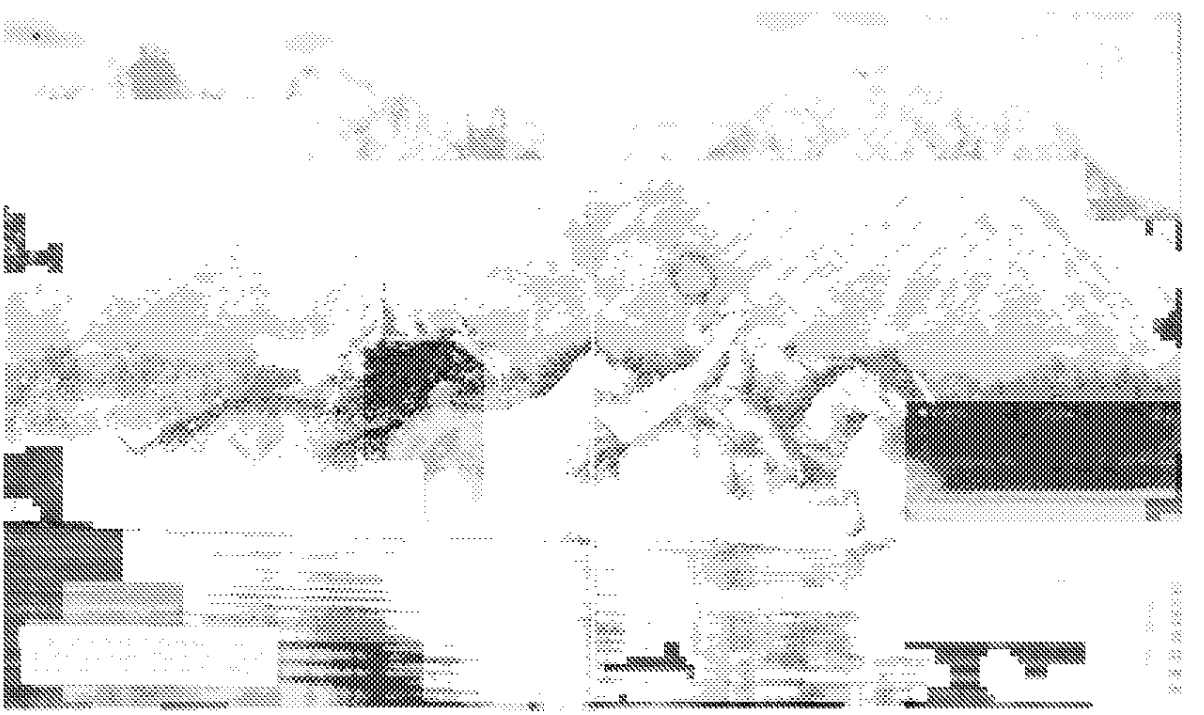


***ESPN*, March 6, 2000** (ADV0830135-0137, U.S. Exhibit 14,406)



***Unlimited*, Fall 1999** (PM3000101942-2076, U.S. Exhibit 47,307)

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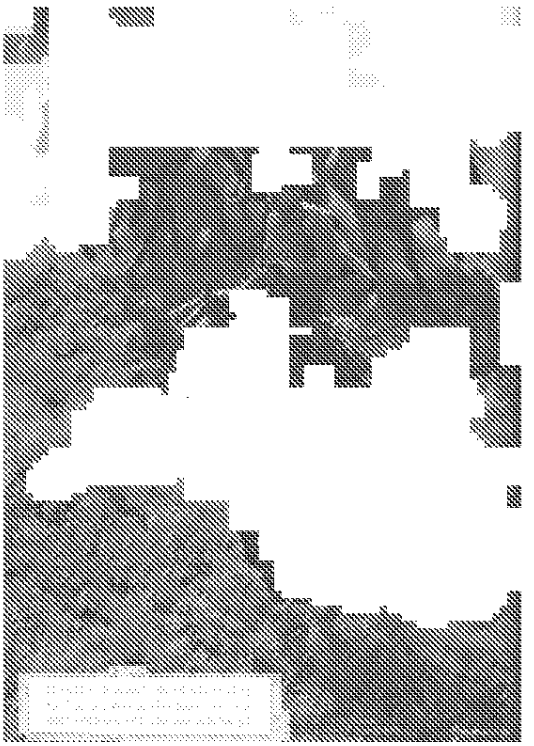
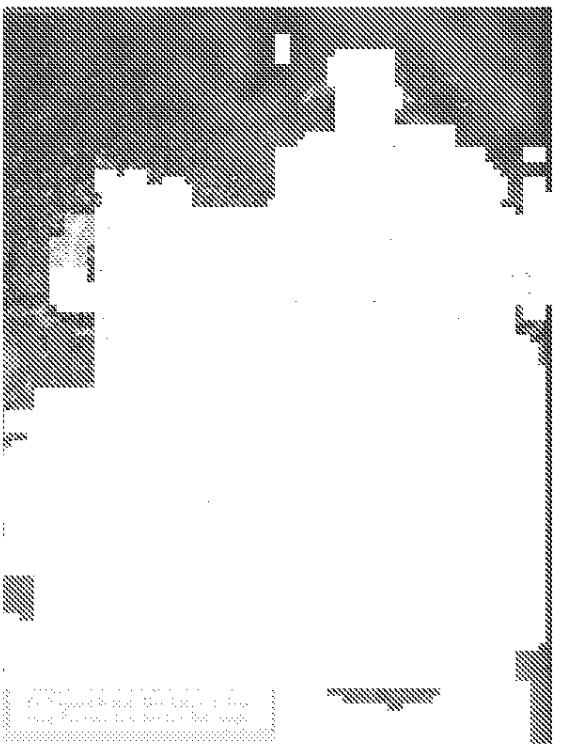


Sports Illustrated, **September 14, 1987** (ADV0240300-0302 at 0302, U.S. Exhibit 8,420)



Sports Illustrated, **August 2, 1993** (ADV0260016-0018, U.S. Exhibit 9,180)

Q: In addition to the images in its print advertisements, did Philip Morris associate the Marlboro brand with adventure and excitement in other ways?

A: Yes. Philip Morris's marketing further dimensionalizes the image of the Marlboro smoker through its association with auto racing and other sports. Philip Morris designed its sports-related marketing activities—especially Marlboro's association with auto racing—to contribute to the image of the Marlboro smoker as adventurous and exciting. The success, excitement, and fun involved in sports and racing are associated in the mind of the young person with the image of the Marlboro smoker.

Q: Can you provide some examples of Philip Morris documents that discuss the association of Marlboro with sports?

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A: Yes. A July 22, 1996 memorandum from Philip Morris's advertising agency, Leo Burnett, stated: "Racing adds a contemporary overlay to Marlboro Country, emphasizing mastery, challenge and adventure, and supports the quality and leadership of the brand." 2072516263-6267 at 6263 (U.S. Exhibit 41,558).

Philip Morris also stated in a November 1999 document entitled "Marlboro Marketing Mix Monitor 1999" that the "Racing School brings excitement and masculine appeal to the brand." 2073578509-8570 at 8543 (U.S. Exhibit 43,349).

In addition to the documents I just described, additional documents cited in Demonstrative 11 support my conclusion that Philip Morris uses auto racing and other sports-related marketing to associate Marlboro with adventure and excitement. Philip Morris associates the Marlboro brand image with auto racing and other sports through its print advertisements, its direct mail, and its sponsorship of auto racing.

Q: Can you provide some examples of advertisements where Philip Morris associates Marlboro with auto racing and other sports?

A: Yes. The advertisements below show that Philip Morris conveys that the Marlboro smoker lives an exciting and adventurous life. On the following page is an advertisement from a 1999 *Entertainment Weekly*. Notice how the photographic technique in the advertisement conveys high speed. Such an advertisement is high in sensation value, which is the degree to which an advertisement conveys shocking, surprising, or exciting images.

Such advertisements are particularly attractive to adolescents who are high on the trait of sensation seeking. As I testified earlier, adolescents who are high in sensation seeking are at particularly high risk to take up smoking.

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***Entertainment Weekly*, July 30, 1999** (ADV0870125-0129, U.S. Exhibit 14,806)

Q: Does research support your conclusion?

A: Yes. Several peer-reviewed studies show that adolescents who are high in sensation seeking are at high risk for taking up smoking. I have cited these studies in my Demonstratives 1 and 4. Included are studies by Palmgreen et al., 2001 (U.S. Exhibit 72,761); Kopstein, Crum, Celentano, and Martin, 2001 (U.S. Exhibit 72,740); and Zuckerman, 1994 (U.S. Exhibit 72,935) (all in Demonstrative 1); and Kraft and Rise, 1994 (U.S. Exhibit 72,743); and Skara, Sussman, and Dent 2001 (U.S. Exhibit 72,800) both in Demonstrative 4 (Self-Image by Category). As I testified earlier, adolescence is a period in which sensation seeking and risk taking increase. (Zuckerman, 1994) (U.S. Exhibit 72,935). Research has shown that adolescents with a high need for sensation look for and enjoy stimuli involving action, excitement, or risk. (Palmgreen et al., 2001) (U.S. Exhibit 72,761). By associating Marlboro with exciting activities, Philip Morris

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makes smoking Marlboro part of the world of excitement and risk that many young people seek.

By sponsoring race car teams, which are featured in much unpaid media, Philip Morris further associates Marlboro with the excitement many adolescents experience in watching racing.

***Sports Illustrated*, August 29, 1994** (ADV0260378-0380, U.S. Exhibit 9,296)

4. Relaxation

Q: Does Philip Morris associate the Marlboro brand image with relaxation?

A: Yes. Philip Morris associates the Marlboro brand image with relaxation through its print advertisements. In the past, Philip Morris used television advertising to associate Marlboro with relaxation. Some television advertisements for Marlboro featured Julie London singing the "Marlboro Song," the words to which were: "Why don't you settle back and have a full flavored smoke. Settle back with a Marlboro. Make yourself

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comfortable, whenever you smoke, have a Marlboro cigarette. You get a lot to like with a Marlboro, filter, flavor, pack, or box."

Q: Can you provide some examples of internal Philip Morris documents that support your conclusion that Philip Morris associates the Marlboro brand with images of relaxation?

A: Yes. A December 1999 Leo Burnett research report assessing Marlboro's advertising among "YAMS" [young adult male smokers] stated, "Commonly, YAMS are thought to crave excitement and novelty. But based on their reaction to 'relaxing' imagery, they also seem to be looking for escape from daily stress." 2072468442-8550 at 8453 (U.S. Exhibit 41,549).

In particular, Philip Morris used advertisements conveying relaxation for its line extension Marlboro Milds. A Philip Morris document that summarizes research on Marlboro Milds stated, "The laid back tone of the advertising is clearly recognized." The study obtained ratings on "Relaxed/Laid Back" and "Tranquil." 2073178927A-8956 at 8944 (U.S. Exhibit 46,310).

A September 15, 1998 internal Philip Morris memorandum entitled "Marlboro Milds Research Findings" described research on Marlboro Milds advertising involving six focus groups with African American smokers ages 21 through 29 and stated, "the advertisements strongly communicated that Marlboro Milds would leave them with a 'mellow feeling' and a sense of 'relaxation.'" 2061701079-1088 at 1079 (U.S. Exhibit 39,366).

A May 12, 1999 Leo Burnett marketing research study reported that a point-of-sale advertisement called "Boots" clearly communicated relaxation and kicking back,

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while another advertisement called "Windmill" "seemed to convey a strong sense of relaxation." 2073373190-3196 at 3192-3193 (U.S. Exhibit 43,236).

Qualitative research on Marlboro Milds advertising in 1999 concluded that the advertisements evoked descriptions such as "relaxing," "kicking back," "taking it easy," "calm," and "serenity." 2073372904-2912 at 2908 (U.S. Ex 43,235).

Q: What do these documents demonstrate?

A: They show that Philip Morris intends to associate the Marlboro brand and smoking Marlboro with images of relaxation. Some Philip Morris advertising conveys that smoking Marlboro can bring with it the feeling of quiet calm that comes from being in quiet beautiful places or from having completed a hard day's work.

Q: Can you provide some examples of advertisements that associate Marlboro with relaxation?

A: Yes. On the following pages are several Marlboro advertisements featuring the iconic Marlboro Men in various poses of relaxation and tranquility. In these photos, it is the end—or perhaps the beginning—of the day. The men relax, in some advertisements with a cup of coffee, riding across the spectacular landscape of the American countryside, or reclining by a crackling fire, their ever-present companion a Marlboro cigarette.

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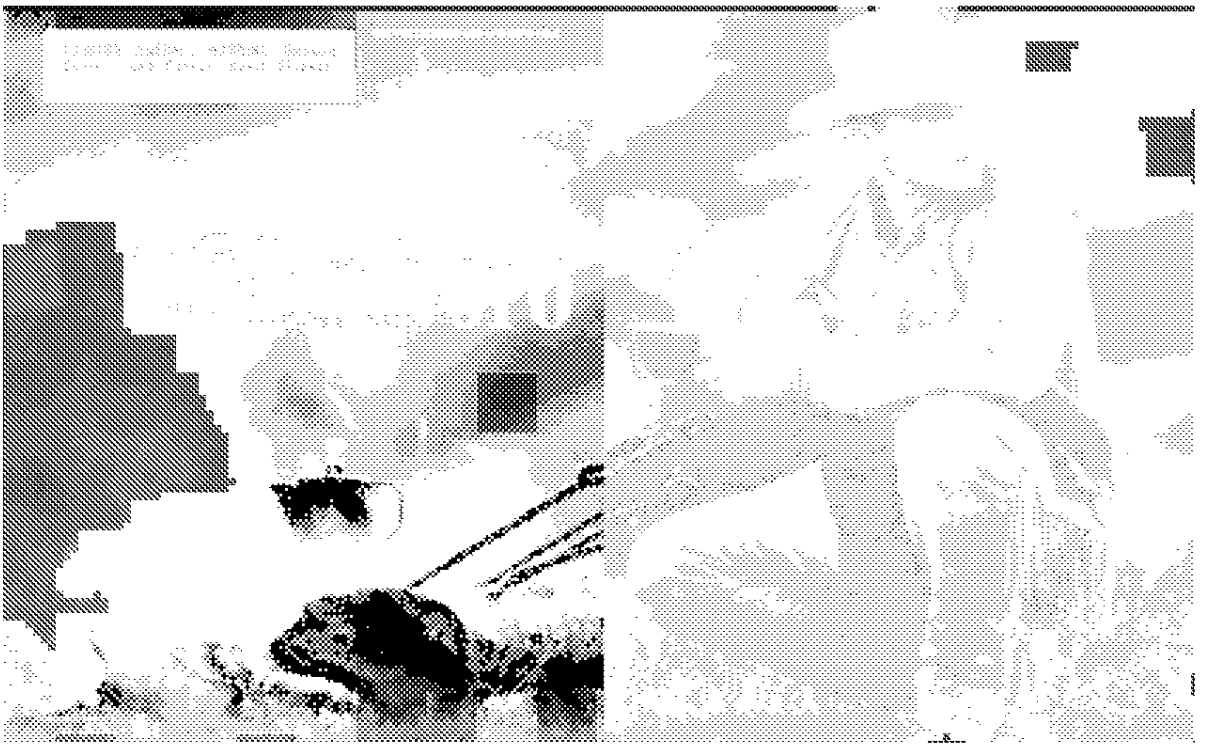

***Life*, February 1998** (ADV0320066-0070, U.S. Exhibit 10,692)

***Life*, April 1998** (ADV0320102-0106, U.S. Exhibit 10,700)

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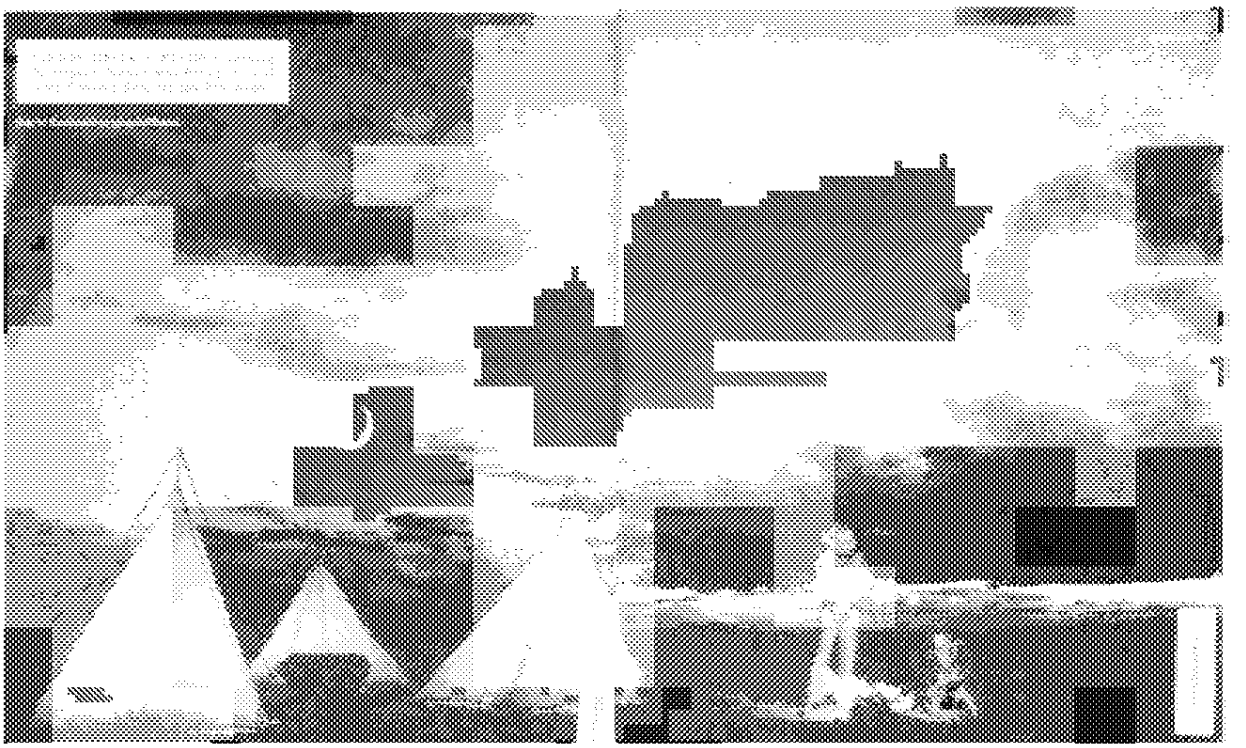

***Unlimited,* Fall 1998** (PME0390675-0808, U.S. Exhibit 47,303)

***Life, September,* 1999** (ADV05301-12-0144, U.S. Exhibit 12,547)

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Q: How does Philip Morris's association of Marlboro with relaxation and tranquility relate to your conclusions regarding adolescent psychological needs?

A: As I testified earlier, many adolescents are experiencing stress and anxiety for the first time in their lives. Faced with the increased demands of school and the anxieties that often accompany social life, adolescents are motivated to find ways to relax. These advertisements tell them that they can achieve calm and tranquility by smoking Marlboro.

5. Popularity and the Role of Peer Influence

Q: Please explain your conclusion regarding Philip Morris's Marlboro brand image and popularity.

A: Company documents show that Philip Morris is vitally concerned with communicating that Marlboro is a popular brand and that popular people smoke Marlboro. First, Philip Morris routinely assesses the perception of Marlboro as "popular" and "growing in popularity" and it carefully measures the impact of its marketing on the perception that popular people smoke Marlboro. Second, Philip Morris has designed its marketing to foster the perception that popular young people smoke Marlboro. Philip Morris also associates the Marlboro brand with images of masculinity and independence, which further conditions members of the peer group to believe that well-liked, admirable young people smoke Marlboro. Third, the company has been quite effective in maintaining the perception that Marlboro is the most popular brand of cigarettes.

Q: How does this evidence relate to adolescents' psychological needs?

A: Through these practices, Philip Morris takes advantage of adolescents' need for acceptance by convincing them that smoking Marlboro will help them achieve such acceptance. In other words, the company harnesses the peer dynamic by convincing teenagers that smoking Marlboro is a means to popularity and peer acceptance.

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Q: Can you provide examples of documents that show that Phillip Morris understands the role of peer influence in smoking behavior?

A: Yes. Philip Morris has a very sophisticated understanding of the way in which the need to be part of the group motivates adolescent smoking. A March 31, 1981 memorandum by Myron Johnston, Senior Economist for Research and Development at Philip Morris, entitled "Young Smokers: Prevalence Trends, Implications, and Related Demographic Trends" indicated: "At least part of the success of Marlboro Red during its most rapid growth period was because it became the brand of choice among teenagers." 1000390803-0855 at 0808 (U.S. Ex. 22,334) (emphasis in the original).

A 1995 report stated, "Excluding discount YAS, popularity and share among YAS are highly correlated." In other words, the brands rated as most popular are the ones that achieve the largest market share. 2071596141-6191 at 6152 (U.S. Exhibit 89,208).

Philip Morris has studied the need for peer acceptance as a factor in motivating smoking Marlboro. For example, a 1998 Philip Morris report entitled "Young Adult Smoker Lifestyle Attitude and Segmentation" concluded that "Hollow-Followers"—a group high in their desire for acceptance—was particularly likely to buy Marlboro. 2073056330-6412 (U.S. Exhibit 42,808).

A May 1999 Philip Morris National Market Structure Study concluded that "Both YAMS [Young Adult Male Smokers] and YAFS [Young Adult Female Smokers] value peer popularity of a brand very highly compared to older menthol smokers." 2073578573-8694 at 8605 (U.S. Exhibit 43,351).

Q: Can you provide examples of Philip Morris documents indicating that the company routinely assesses perceptions about the popularity of Marlboro?

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A: Yes. Demonstrative 11 lists numerous documents showing that the company assesses perceptions that Marlboro is the most popular brand, 273203702-3745 (U.S. Exhibit 46,131); 2071596141-6191 (U.S. Exhibit 89,208); 2062311988-1994 (U.S. Exhibit 39,533); 2063515175-5197 (U.S. Exhibit 39,742); 2073308392-8392 (U.S. Exhibit 42,957), popular with friends, 2048735500-5604 (U.S. Exhibit 66,785) or growing in popularity, 2073308307-8358 (U.S. Exhibit 42,921); 2063515175-5197 (U.S. Exhibit 39,742); 2062311984-1986 (U.S. Exhibit 39,532); 2073308392 (U.S. Exhibit 42,957). The company also assesses whether Marlboro smokers are seen as popular, 2073308046-8067 (U.S. Exhibit 42,897); 2062310887-1016 (U.S. Exhibit 39,453) and whether Marlboro's core brand personality includes "popular." 2703811701-1762 (U.S. Exhibit 46,169); 2073578509-8570 (U.S. Exhibit 43,349); 273203702-3745 (U.S. Exhibits 46,136-46,153)

Q: Can you provide examples of Philip Morris documents that indicate that the company markets Marlboro in order to affect perceptions of the popularity of the brand?

A: Yes. An August 1998 "Metro YAS [young adult smoker] Tracking Study" discusses how Philip Morris implemented retail promotion and bar programs as ways of counteracting decreases in Marlboro's market share. These programs were implemented to increase Marlboro's top-of-mind awareness and perceived popularity. 2073308359-8378 at 8360 (U.S. Exhibit 42,956).

Additional documents cited in Demonstrative 11 support my conclusion that Philip Morris markets Marlboro to affect adolescent perceptions of the popularity of the brand.

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Q: What documents show that Philip Morris has been effective in maintaining the perception that Marlboro is a popular, or the most popular, brand?

A: A January 1996 report entitled "Marlboro Marketing Mix Monitor" stated that among the top ten attributes of Marlboro identified by consumers were "Most popular," "All-American brand," "My friends would smoke it," "Popular with both men and women," "Growing in popularity," and "Best known brand in the world." 2063515175-5197 at 5182 (U.S. Exhibit 39,742).

In a 1995 report, Philip Morris stated, "Marlboro's perceived popularity among YAS exceeds all other brands combined" and "Marlboro is the dominant brand among young adult smokers both in terms of the share and popularity levels." 2071596141-6191 at 6155, 6163 (U.S. Exhibit 89,208).

A June 29, 1998 memorandum from Natalie Ellis, Marlboro Research Manager at Philip Morris, entitled "Metro YAS+ Tracking" stated: "Marlboro is perceived as the most popular brand among 21-29 year olds, with Newport a distant second." The memorandum also stated that this same age group sees Marlboro as "growing in popularity." 2073308392-2073904074 (U.S. Exhibit 42,957).

A September 1998 study entitled "Metro YAS Tracking Study Post-Wave I" discussed how Philip Morris implemented retail promotion and bar programs to increase perceived popularity and reported that the effort had succeeded:

> Marlboro was recognized as a growing brand by both its own smokers and competitive smokers. . . . Marlboro continues to be the 'Most visible brand' in stores but Newport and Camel mentions are increasing among competitive smokers.

2073308307-8358 at 8309, 8348 (U.S. Exhibit 42,921).

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In addition to the documents I just described, other documents cited in Demonstrative 11 support my conclusion that Philip Morris has been effective in maintaining the perception that Marlboro is a popular, or the most popular, brand.

Q: Overall, what do these documents demonstrate?

A: The documents show that a critical factor for Philip Morris in maintaining Marlboro's dominant market share is the perception that most peers smoke Marlboro. As long as most teenagers believe that Marlboro is the most popular brand, young people who seek acceptance among peers will be motivated to smoke Marlboro. Philip Morris has long understood this fact.

Q: How does Philip Morris communicate these themes of popularity and peer approval in its marketing of Marlboro?

A: Philip Morris effectively conveys that Marlboro is popular through its ubiquitous and high-quality advertisements. Richard Camisa, who has worked for Philip Morris since 1979 and is currently Director of Media and Compliance, testified about how Philip Morris designed a program it called the Print Leadership Initiative in the late 1990s to communicate that Marlboro is the leading brand. In his June 28, 2002 testimony in this case, Camisa stated that Philip Morris designed the Print Leadership Initiative to achieve in print what the outdoor program had done, namely, "projected Marlboro as being the number one brand." He further testified:

> [B]ut, so when we talk about leadership positions in print as it pertains to Marlboro, what we like to do is we like to see when we advertise in print, for example, that being the number one brand, we like to be—have Marlboro in the first tobacco position, which essentially is when you start reading a magazine, that of all the tobacco brands that may be advertised in that publication, we would like to have the first position.

Camisa went on to describe the company's thinking about the Print Leadership Initiative:

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> [I]t was a concept that we were kind of exploring that said, gee, you know, are there ways that you can increase the breakthrough value of a Marlboro ad in a magazine to help differentiate it from others? And one of the ways to do that is potentially to do more what we call special impact units, which are three or four-page units that may appear in a publication, as opposed to a single page; the position of the ad in the magazine, the second cover, page one, which is inside of the front cover and the first page, which is, again, back to that whole concept of leadership position. Back cover on a magazine is a leadership position. The center spread in a magazine . . . is a great place to showcase ads.

When asked if the Print Leadership Initiative was an outgrowth of the "more restricted environment related to MSA restrictions on out-of-home advertising," he replied:

> [W]e had a leadership program in outdoor which was designed to get really great locations on great expressways and so forth and that media was going away. . . . [H]ow can we take the adult publications that we have, which is the only vehicle that everyone else and all of our competitors have. . . . [H]ow do we deal with the issue of all this tobacco that is going to go into magazines; is there anything that we can do to maintain our leadership position?

Deposition of Richard Camisa, United States v. Philip Morris et al., June 28, 2002, at 117:8-9, 112:12-21, 114:4-23, and 115:20-116:15.

A document entitled "1999 Philip Morris Print Leadership Initiative Overview" further described the Print Leadership Initiative. The document indicated that Philip Morris would select magazines in which to place advertising partially in terms of a "magazine's perceived leadership value" and whether or not the magazine is a "dynamic/growing publication." 2080499829-9896 at 9849, 9854 (U.S. Ex 20,536).

Q: Can you provide examples of how Philip Morris conveys the popularity of Marlboro through advertisements?

A: In the following pages, I present 24 advertisements from a recent year—2000—to illustrate the widespread nature and diversity of Marlboro marketing. Though the collection is far from an exhaustive collection of all Marlboro magazine advertising in

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that year, the advertisements come from 14 different magazines. There are five women's magazines (*Vogue, Cosmopolitan, In-Style, Mademoiselle,* and *Allure*), three men's magazines (*Playboy, GQ,* and *Maxim*), two human interest magazines (*Life* and *People),* one auto magazine (*Car Craft*), two sports magazines (*Sports Illustrated* and *ESPN*), and a music magazine (*Rolling Stone*). Of the 24 advertisements shown, 13 are two-page advertisements, one is a three-page advertisement, one a four-page advertisement, and two of them are six-page advertisements. Further, among these 24 advertisements, only two appear twice; that is, there are 22 different advertisements.

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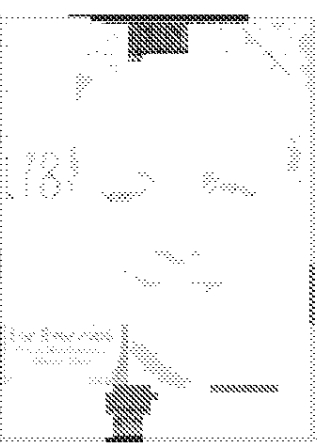

Allure, ***March 2000,*** two-page spread (ADV 0810166-0168, U.S. Exhibit 14,325)

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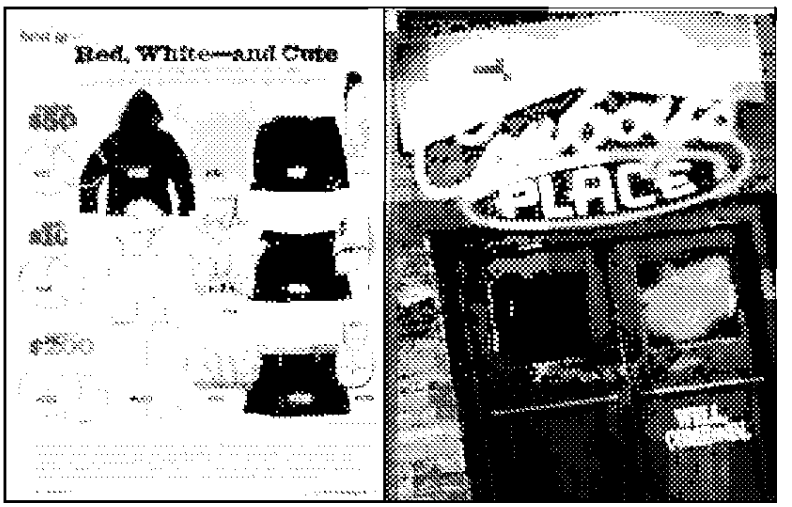

Cosmopolitan, ***April 2000***, 6-page, 4-page fold-out advertisement
(ADV 0490437-0445, U.S. Exhibit 12,000)

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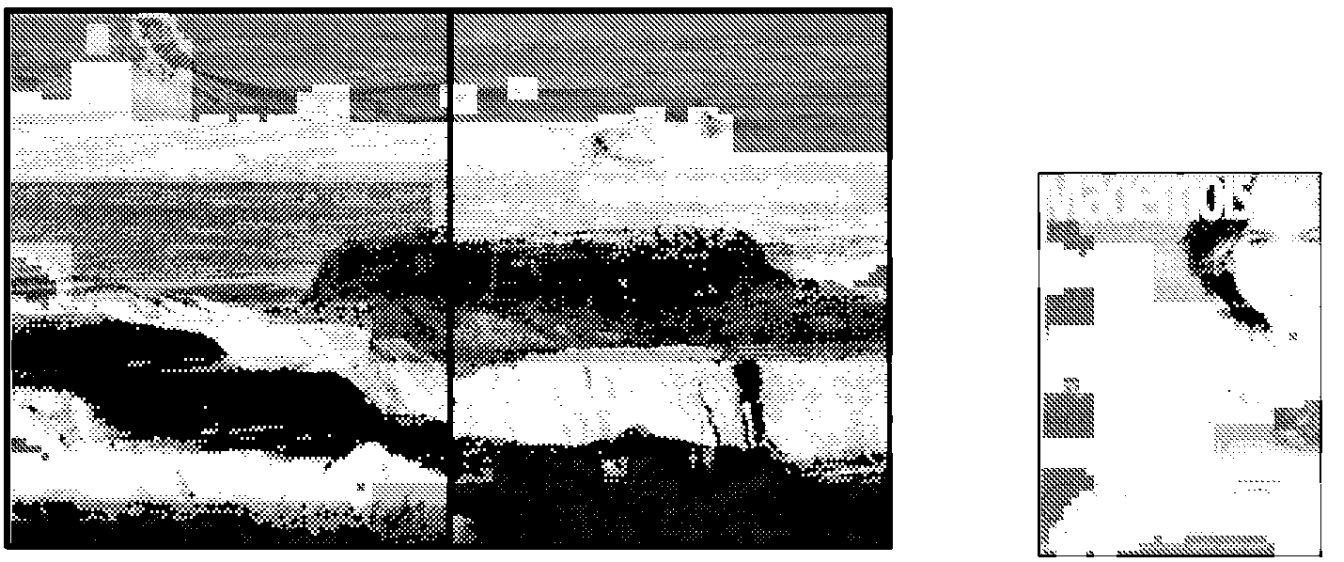
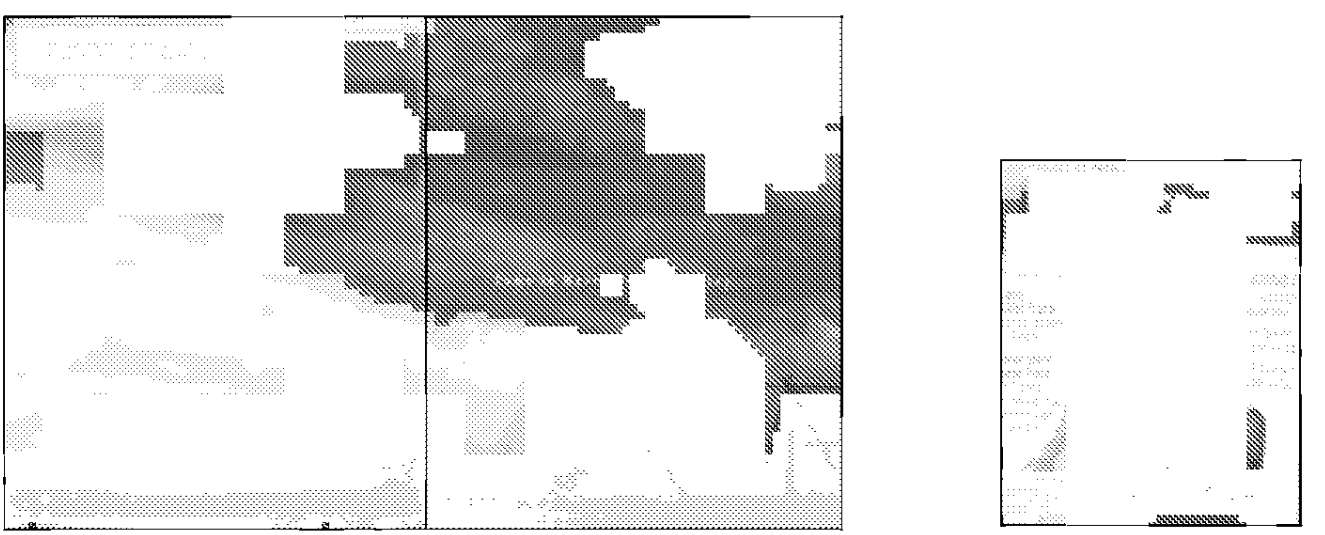


Mademoiselle, January 2000 (ADV 0510371-0373, U.S. Exhibit 12,383)



In-Style, November 2000 (ADV 0440001-0003, U.S. Exhibit 11,199)

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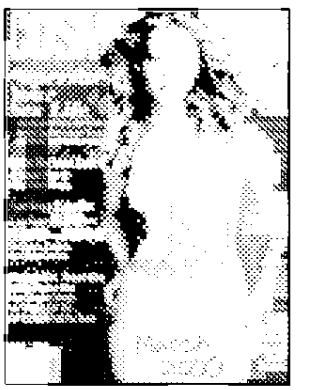

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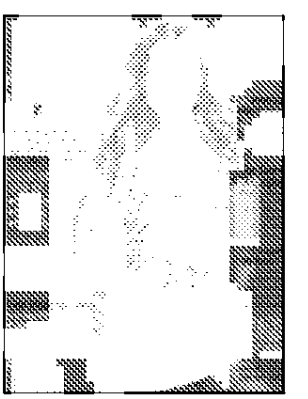

Cosmopolitan July2000 (ADV0490479-0481, U.S. Exhibit 12,012)

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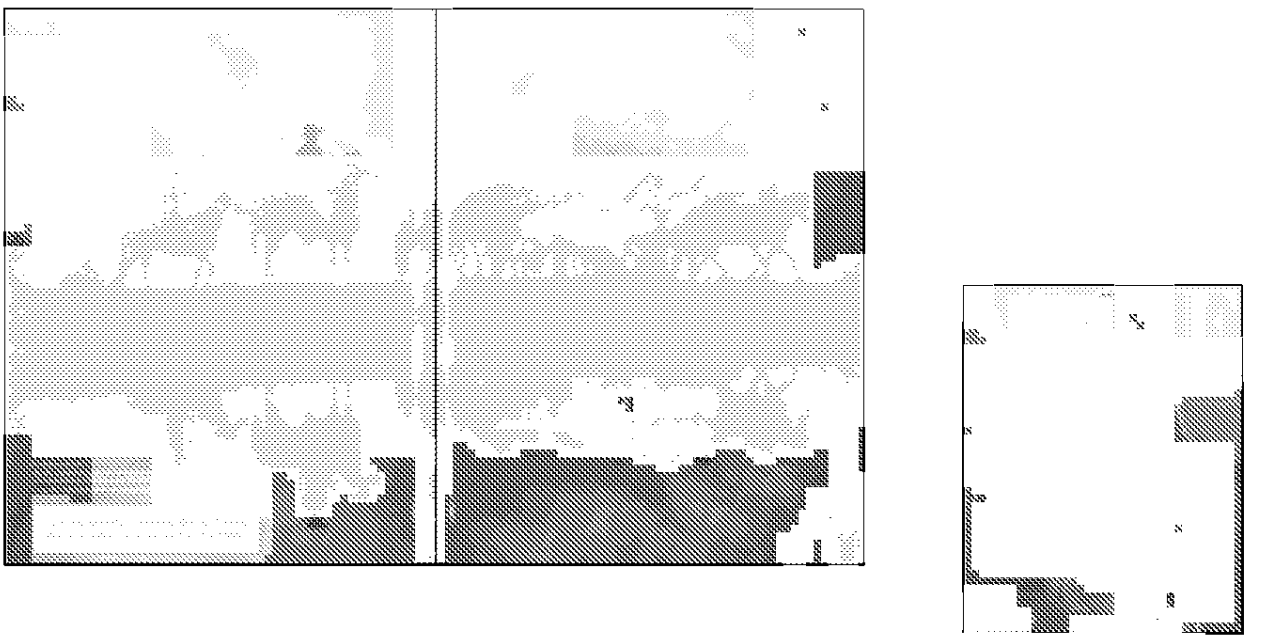
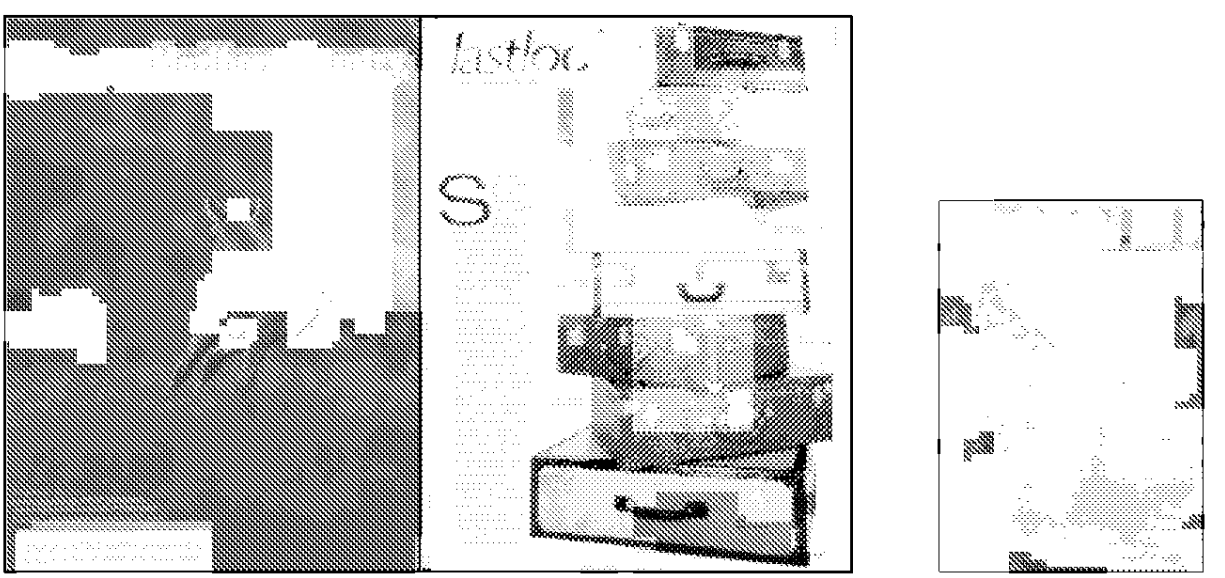


Vogue, April 2000 (ADV 04703676-0378, U.S. Exhibit 11,539)



Vogue, June 2000 (ADV 0470411-0413 (U.S. Exhibit 11,548)

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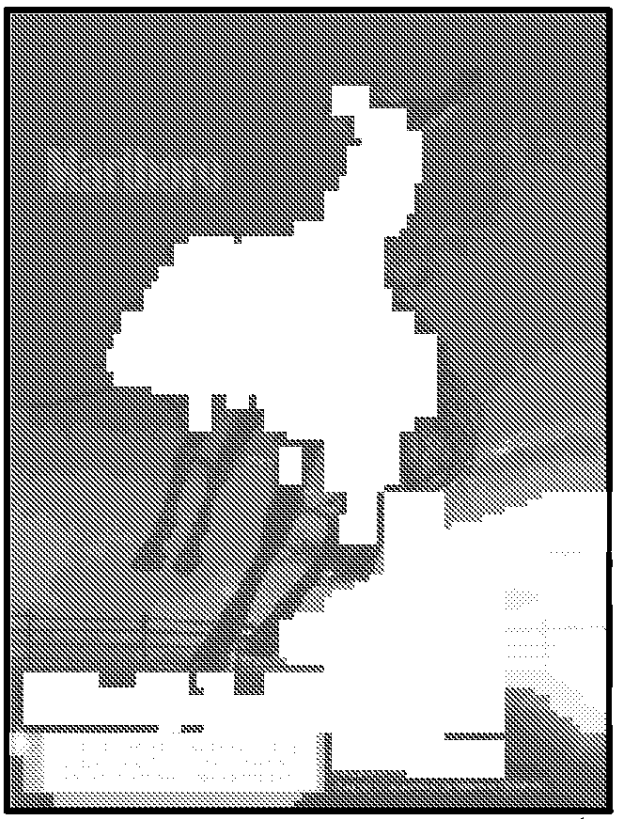

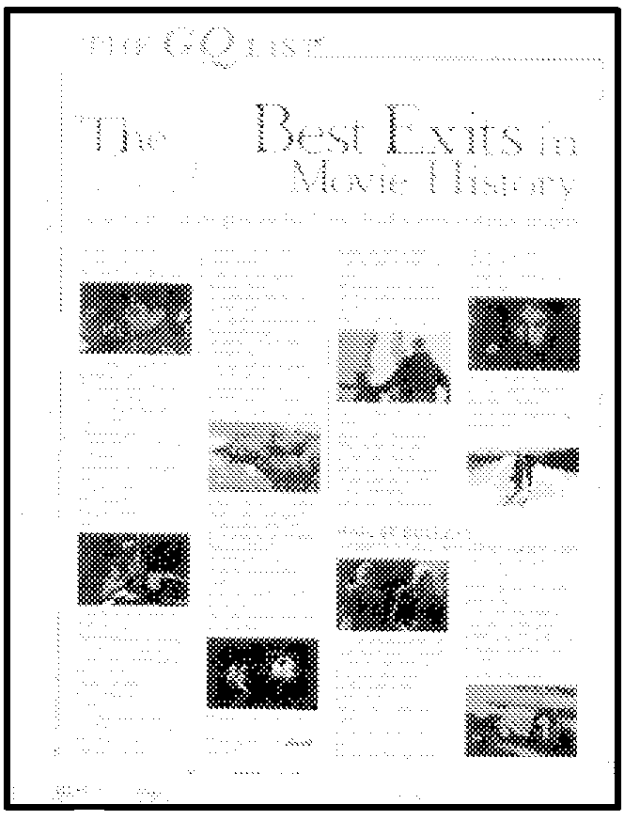

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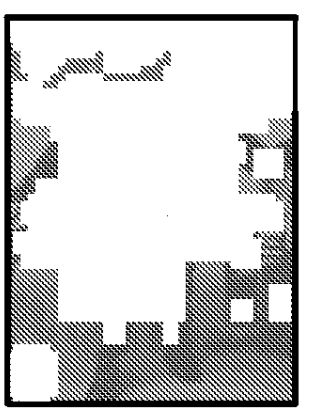
GQ, March 2000 (ADV 0410124-0126, U.S. Exhibit 10,999)



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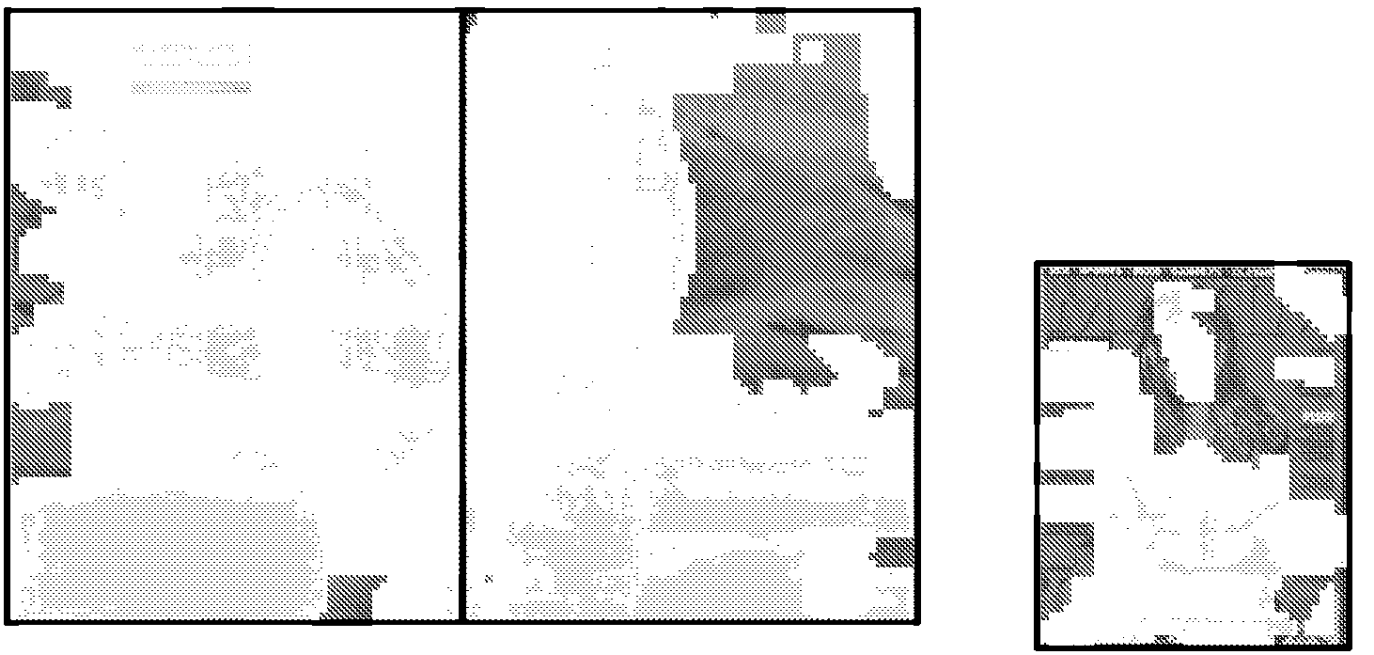

***Maxim*, June 2000** (ADV0540191-0193, U.S. Exhibit 12,616)

***Playboy*, July 1, 2000** (ADV0890039-0041, U.S. Exhibit 15,028)

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***Playboy*, May 1, 2000** (ADV0740028-0030, U.S 13,920)

***Car Craft*, August 2000** (ADV 0720209-0211, U.S. Exhibit 13,689)

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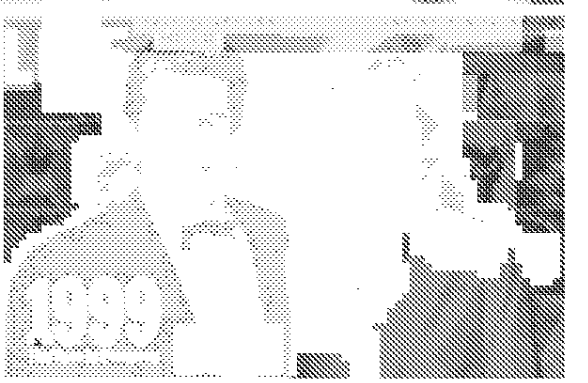
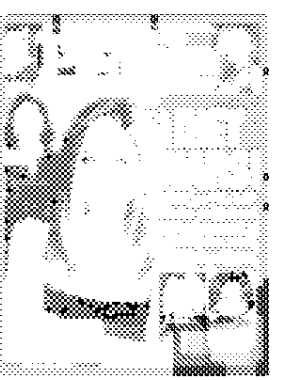


***LIFE,* January 2000**, 3-page foldout advertisement behind a 2-page foldout cover photograph (ADV 0320001-0006, U.S. Exhibit 10,676)



***People*, 2000** (ADV 0480504-0506, U.S. Exhibit 11,723)

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***People*, 2000** (ADV 0480459-0461, U.S. Exhibit 11,710)

***People*, 2000** (ADV 0480251-0253, U.S. Exhibit 11,646)

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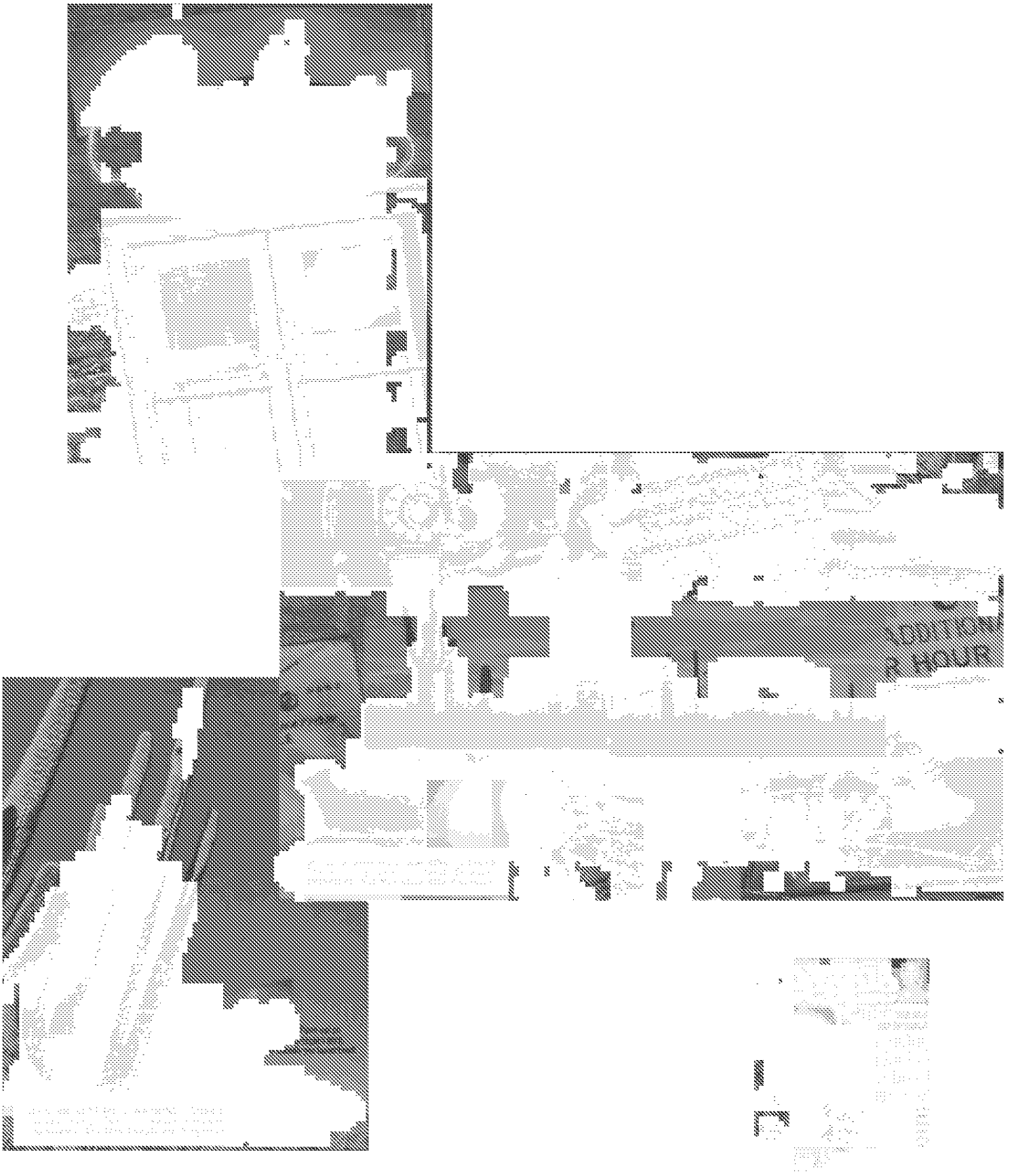

***People,* March 13, 2000** (ADV0480378-0384, U.S. Exhibit 11,685)

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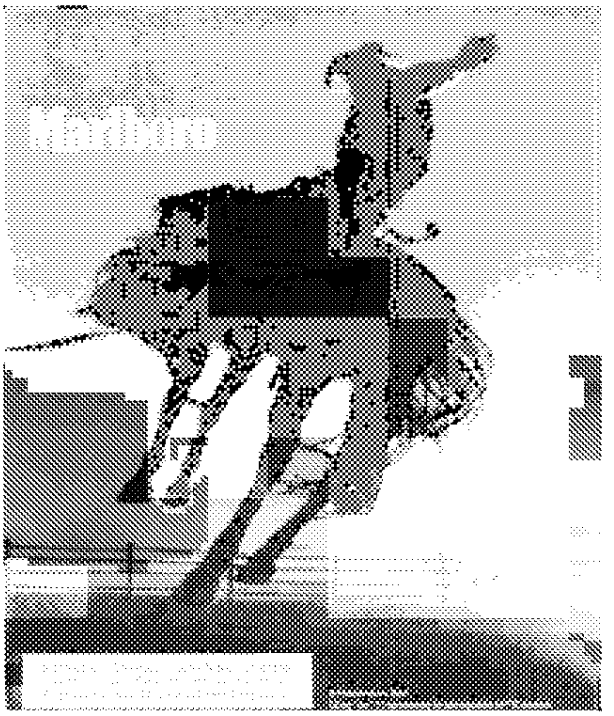
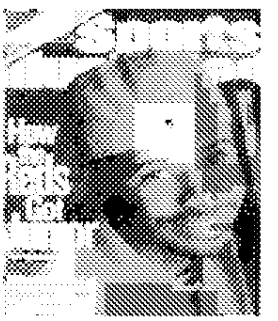


Sports Illustrated, **Feb 21, 2000** (ADV 0271223-1225, U.S. Exhibit 9,987)



Sports Illustrated, **April 3, 2000** (ADV 0271294-1297, U.S. Exhibit 10,006)

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Sports Illustrated, ***December 1999-January 2000*** (Different cover for each U.S. state; the first 2 pages appeared behind the cover, and opened up to a 4-page spread (ADV0271161-1167, U.S. Exhibit 9,969)

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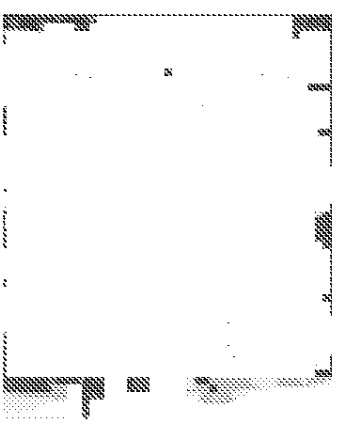

Rolling Stone, May 25, 2000 (ADV 0100581-0583, U.S. Exhibit 2,650)

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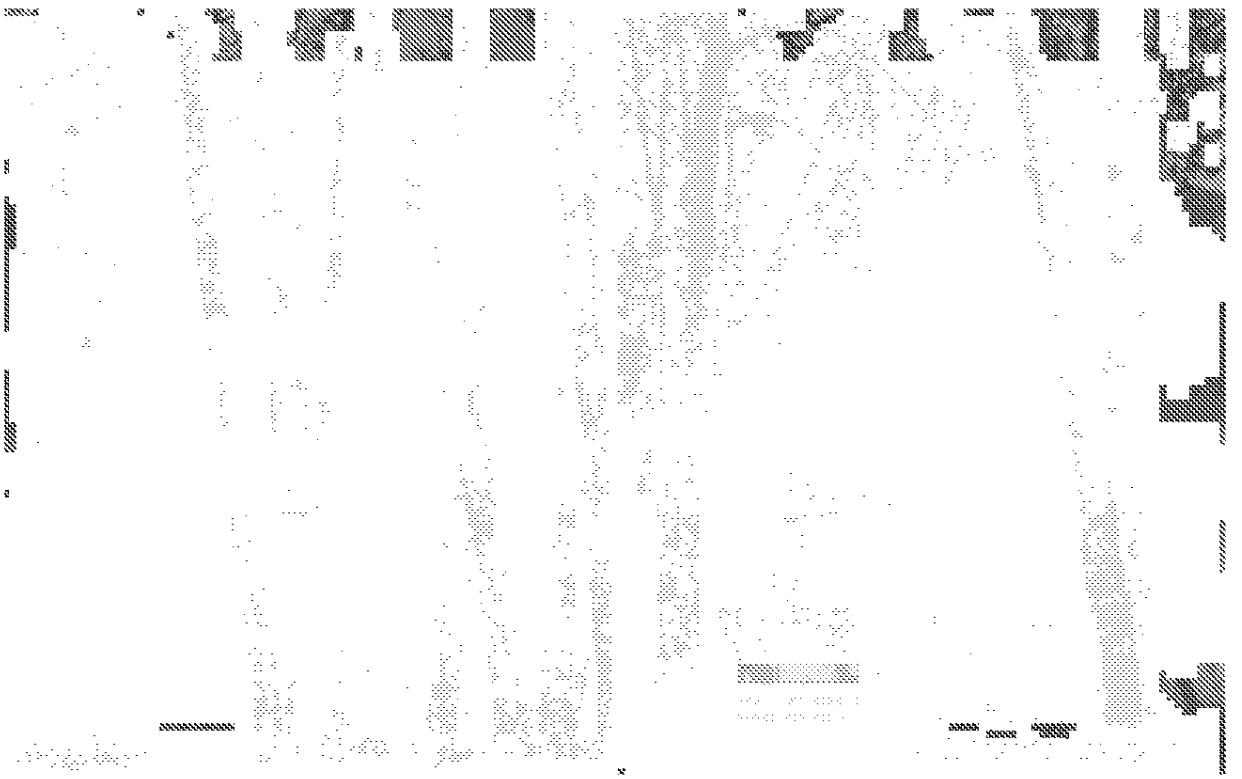

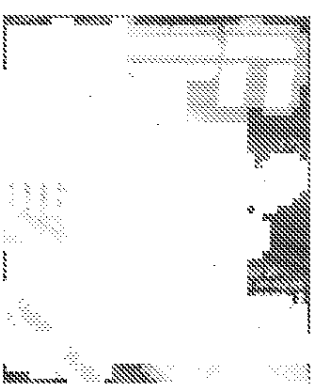

ESPN, July 24, 2000 (ADV 0830271-0273, U.S. Exhibit 14,446)

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Q: Did Philip Morris communicate popularity in other ways?

A: As shown by the examples above, Philip Morris further communicates the popularity of Marlboro through the placement of its advertisements with magazines featuring popular movie stars or music stars. In addition, the large number of ways in which Marlboro messages reach consumers further enhances the sense of Marlboro as the "leader"—the cigarette everyone smokes. The "Marlboro Marketing Mix Monitor 1999" shows that, by 1999, there were at least eight marketing programs for Marlboro. In addition to Advertising and "General Music," there was "Racing School," "Direct Mail," "Gear Programs," "Party at the Ranch," "Marlboro Bar Nights," and "New Ways to Use Miles." 2703811701-1762 at 1702 (U.S. Exhibit 46,169).

Q: Does Philip Morris communicate the popularity of Marlboro through point-of-sale marketing?

A: Yes. In her deposition, Suzanne LeVan discussed a June 30, 2001 memorandum that discussed the impact of point-of-sale marketing. The memorandum shows the power of the Marlboro Man, referred to as the "Mainline Cowboy":

> Although the Mainline Cowboy theme was last at retail in October 1999, it continues to be the most recognized theme among both Marlboro and competitive smokers. Respondents are aware that it has been some time since Mainline appeared at retail.

Deposition of Suzanne LeVan, United States v. Philip Morris, et al., June 27, 2003, 341:16-356:7; 2085231513-1535 at 1513 (U.S. 45,669).

This memorandum also shows that the Marlboro Man projects a positive image among Marlboro smokers: 55% associated the theme with the brand being "one of the most popular in the country" and 43% associated it with it being popular with friends and growing in popularity. 2085231513-1535 at 1523 (U.S. Exhibit 45,669).

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Q: Do documents from other tobacco companies discuss Marlboro's popularity?

A: Other tobacco companies recognize that Marlboro's dominance is due to the fact that Marlboro is perceived as the most popular brand. For example, a 1985 R.J. Reynolds document entitled "Camel Advertising Development 'White Paper'" notes that younger adult smokers "are still driven by peer pressure and are surrounded by Marlboro smokers." 506768775-8784 at 8782 (U.S. Exhibit 20,764).

A March 6, 1985 Brown & Williamson internal memorandum from A.G. Forsythe, Brand Assistant, to R.D. Sharp, Group Product Director, concerning the marketing of Kool stated that the success of Marlboro and Newport was due to their being "in-brands" for young adult target audiences: "They have peer group acceptance and high perceived popularity." Brown & Williamson also stated that the success of Marlboro was "Supported by on-campus programs that helped establish the brand as a young adult brand, [and] peer group momentum was established that has sustained through today." 554000052-0060 at 0052-0053 (U.S. Exhibit 20,937).

An August 30, 1978 Lorillard memorandum from Ted Achey, Lorillard Director of Sales in the Midwest, to Lorillard President Curtis H. Judge regarding "Product Information" observed that "Newport in the 1970s is turning into the Marlboro of the 60s and 70s. It is the 'in' brand to smoke if you want to be one of the group." It further stated, "Our problem is the younger consumer that does not desire a menthol cigarette. If that person desires a non-menthol, but wants to be part of the 'in-group,' he goes to Marlboro." 03537131-7132 at 7131 (U.S. Exhibit 22,357).

Q: What do these documents tell you about the association of the Marlboro brand image with popularity?

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A: It is clear that there is a common understanding among the tobacco companies that Marlboro's dominance of market share among young people is due to its success in maintaining the perception that Marlboro is the "in" brand, the brand of choice within peer groups.

Q: What, if any, influence does Philip Morris' Marlboro advertising have on adolescents?

A: Thanks to the extensiveness, high quality, size, and placement of its Marlboro advertisements, Philip Morris creates the perception that Marlboro is everywhere. Philip Morris also fosters this perception by the association of the Marlboro brand with auto-racing and other sports and by its retail promotions, which increase the perception of Marlboro's popularity. Thus, the effect is to communicate that one is always in "Marlboro Country" and that smoking Marlboro cigarettes is a fundamental feature of life in the United States. It is important to note in this context that adolescents who overestimate the proportion of other adolescents who smoke are more likely to take up smoking. Report of the Surgeon General, 1994 (U.S. Exhibit 64,693).

Q: Can you briefly summarize your conclusions regarding the Marlboro brand image?

A: Yes. Philip Morris associates its Marlboro brand with images of independence, masculinity, excitement, adventure, popularity, and relaxation—all of which appeal to adolescents. Earlier in this testimony, I reviewed the research evidence showing that adolescents are more likely to smoke if they are interested in sensation seeking, under stress, or concerned about acceptance from their peers. Philip Morris's marketing has built an image of the Marlboro brand and of the Marlboro smoker that speaks to all of these needs. Exposure to Philip Morris marketing conveys to adolescent boys that they can be the man they want to be—and the man their friends will admire—simply by

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smoking Marlboro. It tells adolescents they can feel the adventure, excitement, sense of freedom, and autonomy they crave just by being Marlboro smokers. It tells them that, when they need to relax, they can "settle back" with a Marlboro.

Adults may find it hard to appreciate the power these images have for adolescents. Most adolescents experience the Marlboro brand advertising in the context of their strong needs for peer acceptance, independence, and excitement and within a peer group that—like them—has come to believe that smoking Marlboro is a prime way of achieving all of these desired outcomes.

D. Parliament

Q: Did you review materials concerning Philip Morris's marketing of Parliament?

A: Yes. I reviewed marketing plans and research for the Parliament brand, advertisements for Parliament, and depositions of employees of both Philip Morris and Leo Burnett.

Q: What conclusions did you reach?

A: I drew two conclusions. First, sometime in the mid 1990s, Philip Morris decided to market Parliament to younger people. Second, in order to market Parliament to younger people, Philip Morris began to associate the Parliament brand with themes and images that are important to adolescents and that make the Parliament brand appealing to them.

Q: What are the themes and images that Philip Morris has associated with the Parliament brand?

A: The primary themes and images conveyed by the Parliament advertisements I reviewed are: (1) escape/relaxation, (2) romance, and (3) sociability.

Q: Have you created a Demonstrative to illustrate the various documents that are relevant to Philip Morris's marketing of Parliament?

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A: Yes, Demonstrative 12.

Q: Please provide examples of documents that support your conclusion that Philip Morris decided to market Parliament to younger people in the 1990s.

A: Notes of a speech given in Dallas on January 5, 1999 by Shelby Rafferty (for approximately eight years responsible for marketing the Philip Morris Parliament brand) about the development of Parliament marketing, stated that Philip Morris wanted to "establish this brand as a legitimate competitor to Camel, Winston and Newport" and that it chose to compete against these brands because these brands were "vital and growing . . . particularly among young adult smokers." 2081804781-4820 at 4785, 4786 (U.S. Exhibit 45,449)

A document dated July 12, 1996 entitled "A Consumer Perspective Fundamentals of Young and Rubicam's Approach to the Tobacco Category" has the "Parliament" brand name marked on each page. The document stated, "Significant choice moments in cigarette smoking trends to coincide with critical transitions stages in life. First brand of choice—youthful conformity/rebellion." To "[s]eiz[e] the Window of Opportunity" it is "Necessary to fully understand the complex issues and conflict that today's smokers are dealing with, especially young adult smokers":

> - Young adult years (20's and 30's) are always a time of great intensity with respect to identity formation.
> - Usual turmoil exacerbated by a broader climate of profound volatility and uncertainty.
> - Clarity of brand identity is more important than ever before—for all brands.
> - Enduring brand images are forged in the young adult years.

2071446465-6482 at 6472, 6476 (U.S. Exhibit 40,460).

Q: What do these documents demonstrate?

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A: These documents show that Philip Morris wanted to market a brand that would appeal to the same young people to whom Camel, Winston, and Newport appealed. When the Young & Rubicam presentation stated that it is talking about the "young adult" years, it describes the conditions of adolescence: "identity formation"; "turmoil" and "volatility"; the forging of an "enduring brand image"; and the choice of a first brand occurring in the context of "youthful conformity/rebellion."

Q: Have you reviewed deposition testimony that has informed your conclusion?

A: Yes. In her deposition of July 8, 2003, Shelby Rafferty testified that in 1997 and 1998: "It was my job responsibility to develop a young adult smoker alternative for Philip Morris." She indicated that Philip Morris had decided it could position Parliament as a young adult smoker alternative brand. Philip Morris identified the target audience for Parliament advertising as young adult smokers, a term she defined as "Smokers of legal age to 24." Ms. Rafferty testified that, in developing the Parliament campaign, she looked at the brand positioning of Newport, Marlboro, Winston, and Camel "[b]ecause they were other young adult smoker brands." Deposition of Shelby Rafferty, United States v. Philip Morris et al., July 8, 2003, 59:10-17; 61:20-22; 67:19-25, 66:9-67:5. Ms. Rafferty subsequently became a brand manager for Parliament (1998-2000).

Q: Can you explain the term "brand positioning?"

A: Brand positioning deals with the characteristics of those who smoke a brand. As the tobacco companies market research shows, it is possible to characterize each brand's users in terms of a set of psychosocial characteristics, such as their age and personality characteristics. Philip Morris was seeking to position Parliament so that it would attract some of the young people who might otherwise smoke Newport, Winston, or Camel.

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Q: How does the fact that Philip Morris examined the brand positioning of these other brands relate to your conclusion that Philip Morris decided to market Parliament to younger persons in the 1990s?

A: The positioning of each of these brands is, in part, a matter of the brand image and the image of the smokers of the brand. In order to compete with Newport, Camel, Marlboro, and Winston, Philip Morris would have to develop an image for Parliament and the Parliament smoker that spoke to the needs satisfied by each of these brands. I have examined the marketing of each of these brands during this period and, for each brand, the marketing involved themes and images appealing to adolescents. Thus, by competing with the brand positioning of these other brands, Philip Morris needed to establish a brand positioning for Parliament that spoke to adolescent needs.

Q: Can you provide examples of documents to support your conclusion that Philip Morris associates the Parliament brand with relaxation, escape, and romance?

A: A November 13, 1995 document entitled "Parliament Menthol Lights—Exploratory Qualitative Phase Two & Three—Final Report" indicated that the planned Parliament campaigns "were found to communicate a general sense of vacation, relaxation, enjoyment, romantic relationships and menthol identity." The report continued, "The look and action of the couples was found by many respondents to convey a fantasy romance." 2063726582-6584 at 6582 (U.S. Exhibit 89,191).

A 1996 "Parliament Blue Image Study Research Proposal" listed attributes that respondents said were communicated by the Parliament Lights advertisements, including "Likes to travel; upscale/sophisticated/classy; Likes to have fun; In love/romantic/Young adult; Free spirited; Has a lot of leisure time." Comments about Parliament smokers included: "They are beautiful people who have lots of money," "Successful, confident,

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somewhat snobbish," and "A relaxed person that enjoys life." 2073454502-4595 at 4537, 4539 (U.S. Exhibit 43,343).

A 1998 Philip Morris document "Project PXB Update" discussed the effort to promote Parliament to "younger adult smokers." It stated:

> Advertising . . . Connotes relaxation, "vacation from ordinary" and fun. . . Brand essence consistent yet evolved—Escape/getaway is still aspirational but not as sophisticated and potentially "out of reach."
>
> 2045953890-3937 at 3914, 3915 (U.S. Exhibit 39,994).

A document dated August 6, 1999 prepared for Philip Morris and entitled "Life after Launch: Parliament Creative Development and Photo shoot for Year 2000" stated that the deep emotional elements of smoking include "escape, adventure; independence, personal expression; edgy, exciting." The document presents a "Creative Framework" for Parliament advertisements:

> Create a place that connects with YAS on an emotional level –provides escape with a sense of mysterious adventure; edgy and exciting feel and look; gives a feel of detachment and control; independent and personal. 2080490740-0774 at 0745, 0765 (U.S. Exhibit 70,717).

An August 2000 final report of a Parliament image study stated that more than 50% of respondents who saw Parliament advertisements described the Parliament smoker as romantic. 2080534400-4483 at 4435 (U.S. Exhibit 45,340).

A Young & Rubicam May 8, 2000 document entitled "Campaign Evolution: A Discussion about Parliament" stated that all of the qualitative research was consistent in showing that the image of Parliament was "Fun, exciting, easy-going, relaxed, mellow times with friends." The document continued, "Qualitative suggests that the advertising is succeeding at shedding YAS' [Young Adult Smokers] preconceived notions of the

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brand—from: an old, generic, feminine image—to: a young adult, fun, somewhat upscale image." 2080496256-6267 at 6259, 6261 (U.S. Exhibit 77,751).

An August 2000 report, "Parliament Image Study," indicated Philip Morris's success in developing an appealing image for Parliament among younger people: "Parliament's current image appears to be more appealing to Camel brand smokers and to smokers 18-24." Moreover, compared with the image of Parliament in 1996, the typical Parliament smokers were "perceived to be more young-adult." Exposure to the current Parliament advertising raised perceptions on the following attributes:

> Advertising you like, Up-to-date; Part of good times; Modern, contemporary; Popular; Cool, hip brand; Trendy, changes with times; [and] Prestigious.

In addition, exposure to Parliament advertising led to more than 50% of respondents to describe the Parliament smoker as:

> Social; Fun; Relaxed; Lives life to the fullest; Unique, Individual style; Friendly; Romantic; Confident; Easy going; Always looking for a good time

The report summarized the imagery of the Parliament smoker that its advertising had achieved:

> Sophisticated Fun Seekers: The typical Parliament smoker is a man or woman living in an urban area who enjoys listening to current rock/pop, classical, or jazz. . . . They are perceived as fun, easy-going and having a unique individual style. The brand image is portrayed as stylish, part of the good times and social.

The report concluded that Philip Morris had been successful in appealing to the younger target audience that it had sought to reach. Compared to 25- to 34-year-olds, "Young adult smokers [the 18-24 year olds] are more likely to find Parliament appealing." 2080534400-4483 at 4412, 4416, 4422, 4428, 4435, 4479 (U.S. Exhibit 45,340).

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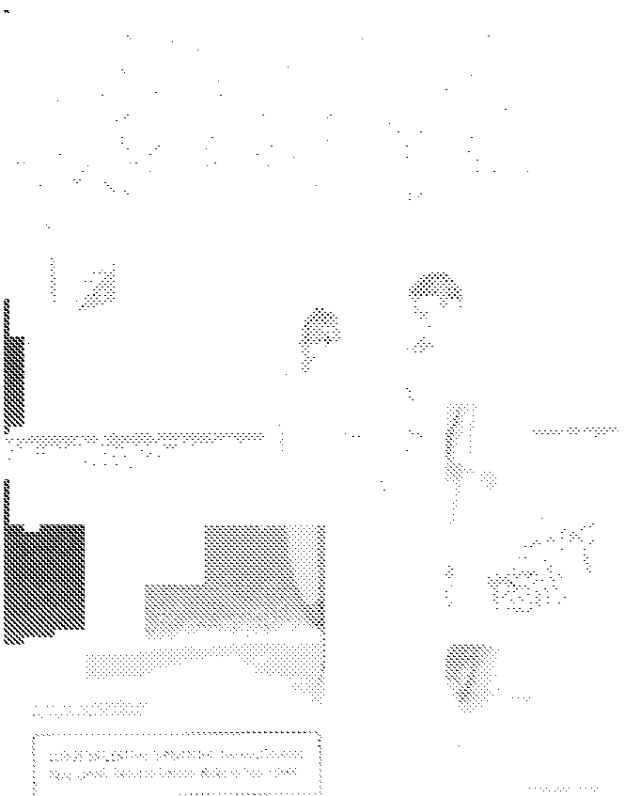
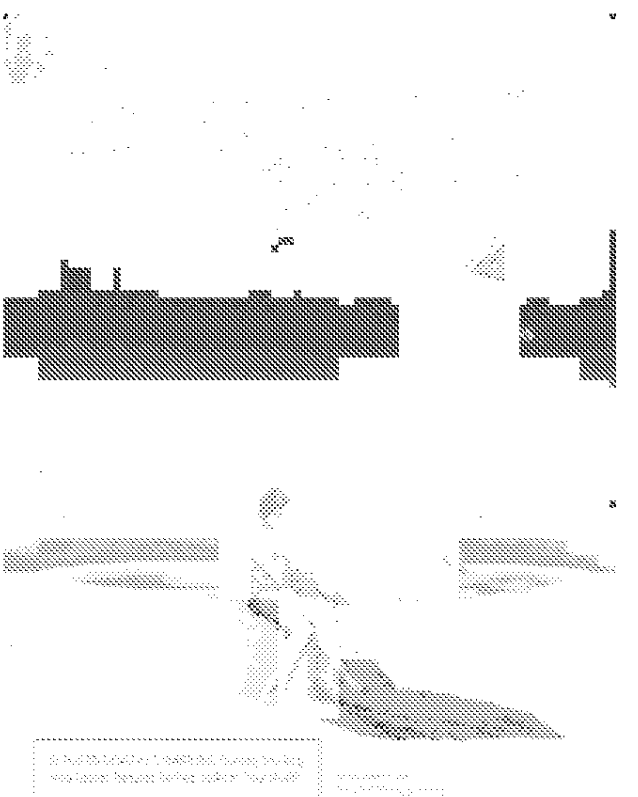
Other documents showing Philip Morris's concern with associating the Parliament brand with images of escape and relaxation are in Demonstrative 12.

Q: Can you show examples of advertisements that convey the Parliament themes of escape, relaxation and romance?

A: On this and the next page are advertisements from a 1998 *Vogue* magazine, each associating the Parliament brand with relaxation and romance. Each shows an attractive and relaxed couple, obviously enjoying each other in a warm and sunny setting.



***Vogue*, August 1998** (ADV0470100-0104, U.S. Exhibit 11,463)



***Vogue*, August 1998** (ADV0470100-0104, U.S. Exhibit 11,463)

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Q: Can you provide examples of additional advertisements for Parliament that associate the brand with escape, relaxation, and romance?

A: These two advertisements, from a 1998 *GQ*, show similar relaxed, romantic encounters.

***GQ*, 1998** (ADV0610058-0062, U.S. Exhibit 12,870)

Q: Can you provide examples of documents that show that Philip Morris associates the Parliament brand with sociability?

A: In an August, 2000 summary of findings regarding Parliament imagery, Philip Morris stated that Parliament's image was evolving toward an image of "Sociable, fun and easy-going young adults who seek the most out of life…." 2080534400-4483 at 4415 (U.S. Exhibit 45,340). A Philip Morris document dated March 5, 1998 also supports my conclusion. 2080490882-0912 at 0889, 0892 (U.S. Exhibit 70,718) (designated Category I confidential).

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Q: Can you provide examples of Parliament advertisements that convey the theme of sociability?

A: Yes. Below is an advertisement from In Style in 2000. The scene is a beach resort at sunset with a group of friends wading along the beach. Notice the campaign tag line has changed from "Perfect Recess" to "Out of the Clear Blue." Deposition of Shari Teitelbaum, United States v. Philip Morris, et al., April 16, 2002, 113:20-114:3.

***In Style*, November 2000** (ADV0440007-0009, U.S. Exhibit 11,201)

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Substantial portions of www.industrydocuments.ucsf.edu/docs/tgjl0001

The advertisements below were in *GQ* and *Allure*. Each shows attractive young people in relaxed, idyllic settings. In the first advertisement, notice the clear blue water, deep blue sky, and deep tans of these attractive people. The second advertisement conveys the camaraderie of a group of people, again on the beach, but now at night.

***GQ*, May 2003** (ADV0410484-0486, U.S. Exhibit 11,105)

***Allure*, September 2000** (ADV0810255-0259, U.S. Exhibit 14,348)

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Substantial portions of www.industrydocuments.ucsf.edu/docs/tgjl0001

Q: What do these documents demonstrate that is relevant to your conclusions about Philip Morris's marketing of Parliament in the 1990s?

A: I have described Philip Morris documents that show that it intended to make the brand more appealing to young people and that Parliament advertisements convey an image of relaxation and escape to romantic and luxurious locales where attractive young people are having good times together. Finally, the documents show that the appeal of Parliament advertising was greatest among the young people at whom Philip Morris aimed its marketing—those young people who were smoking Camel, Marlboro, Winston, and Newport.

Q: Are there depositions taken in this case that have informed your conclusion that Philip Morris associates Parliament with the themes of relaxation and escape, romance, and sociability?

A: Yes. Robert Mikulay, Senior Vice President of Marketing at Philip Morris when this campaign was conducted, testified, "And so the whole positioning, from the marketing statement, was the double entendre of 'The Perfect Recess,' recessed filter, and perfect recess, relaxation, laid back kind of attitude." Deposition of Robert Mikulay, United States v. Philip Morris, et al., July 1, 2002, 82:8-11.

Susan Lauinger, Brand Manager for Parliament from mid-2000 to the fall of 2002, testified that Philip Morris tried to communicate "that Parliament was about relaxation....Parliament was about getaways or destinations....Parliament was about sociability." Deposition of Susan Lauinger, United States v. Philip Morris et al., July 2, 2003, 88:11-89:3.

This testimony shows that Philip Morris did intend to communicate the image of Parliament and its smokers as sociable romantics who lived a life of easygoing luxury.

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Q: What do these documents and advertisements demonstrate that is relevant to your conclusion that Philip Morris associates Parliament cigarettes with themes and images that appeal to adolescents?

A: I testified earlier about the need that many adolescents have to find ways to escape from the new demands, limitations, and stresses they experience in adolescence. The world associated with Parliament is such a place. The brand image says to adolescents that perhaps by smoking Parliament they can feel such a sense of escape.

E. Virginia Slims

Q: What did you conclude from your review of Virginia Slims documents and advertisements?

A: I concluded that Philip Morris, through its marketing of Virginia Slims, conveys themes and images that are important to adolescent girls and that could make the Virginia Slims brand appealing to them.

Q: What does Philip Morris convey in its Virginia Slims marketing?

A: Philip Morris portrays the Virginia Slims smoker as modern, attractive, self-confident, stylish or fashionable, independent, and slim. As a presentation by Leo Burnett to Philip Morris on January 15, 2002 entitled "Virginia Slims In Search of Relevance" stated, "Virginia Slims was the first product made specifically for a woman... this product was wrapped in imagery that was confident, independent, and stylish. And ... served up in a humorous, light hearted manner." LB0066276-6324 at 6278, 6279, 6280 (U.S. Exhibit 58,930).

Q: Can you describe the first marketing campaign for Virginia Slims?

A: Yes. The first Virginia Slims campaign began in the late 1960s. It had the tag line, "You've come a long way, baby." The advertisement below is an example of this

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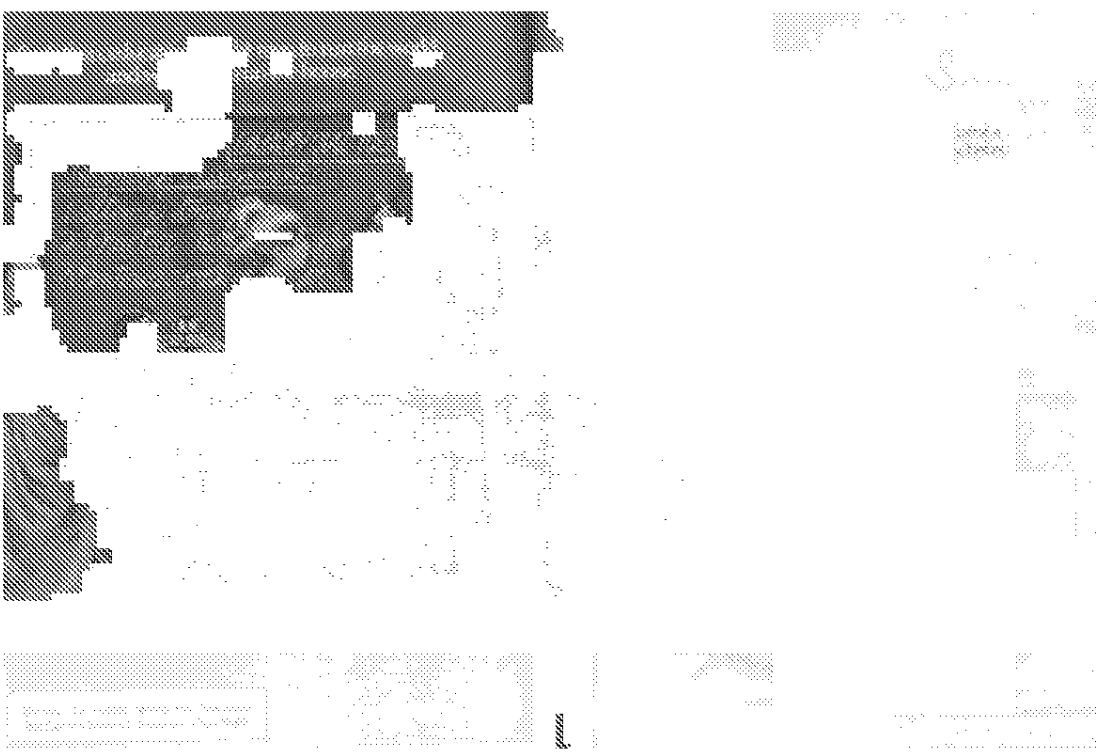
campaign from a popular women's magazine of the 1970s. It shows an attractive, well dressed, and obviously self-confident young woman who is free of the types of constricting women's roles of an earlier era.

Q: What do documents state about the You've Come a Long Way, Baby campaign?

A: Internal documents indicate that Philip Morris's marketing of Virginia Slims effectively communicated the themes I previously identified as appealing to adolescent girls. A



***Cosmopolitan*, 1976** (ADV0281229-1231, U.S. Exhibit 10,511)

memorandum from the Leo Burnett agency dated August 25, 1999 also discussed the original Virginia Slims campaign:

> The original advertising campaign, "You've Come a Long Way Baby" was in perfect sync with the times. It reflected the emotional independence of women, the freedom of their spirit and their newfound confidence. The brand quickly became synonymous with the style, wit and self-confident nature of women's new attitude.

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LB0131021-1040 at 1023 (U.S. Exhibit 33,402).

The 2002 Leo Burnett presentation titled "Virginia Slims In Search of Relevance" reviewed Virginia Slims' history. Leo Burnett indicated that one element fundamental to "the brand's early success" was "[t]he brand addressed a need and solved a real problem." The problem was that some "adult female smokers…had concerns/issues surrounding their femininity—These concerns were consistently exacerbated by the 'feedback' provided by significant men in their lives that smoking was unladylike and unfeminine." LB0066276-6324 at 6278, 6279 (U.S. Exhibit 58,930).

This presentation stated that the positive aspects of the brand's imagery are "confident, stylish and independent." In this discussion of how to overcome the decline of the brand among younger female smokers, Leo Burnett discussed ideas for repositioning the Virginia Slims brand. One idea was to communicate that Virginia Slims smokers had a "Unique Sense of Style." The document also stated the brand's relevance for YAFS: "A timeless truth about young adulthood is gaining the confidence to be yourself and a desire for independence." LB0066276-6324 at 6311, 6315 (U.S. Exhibit 58,930).

Q: What do these documents show?

A: They show that Philip Morris sought to make the brand appealing to young women by conveying that the Virginia Slims smoker is confident, stylish, and independent. The timeless truths that Philip Morris conveys through the Virginia Slims brand and that Leo Burnett mentions—"gaining confidence" and "a desire for independence"—are central concerns of adolescents far more than they are for young women in their twenties. By positioning Virginia Slims to convey that smoking the brand would achieve these

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outcomes—confidence and independence—Philip Morris was positioning the brand to appeal to adolescent girls.

Q: Has any empirical research examined the impact of cigarette marketing targeting young women?

A: Yes. Public health research shows that cigarette marketing campaigns targeting women, which began in 1967, have had their greatest impact among 14- to17-year-olds. Researchers Pierce, Lee, and Gilpin conducted one such study in 1994. About the same time that cigarette advertising including Virginia Slims began to target young women, the first large-scale antismoking campaign appeared on television. Thus, adolescent girls encountered both these new antismoking advertisements and an increased number of cigarette advertisements directed specifically at them, while adolescent boys gained exposure only to the increased level of antismoking advertising. The rate of increase in initiation of smoking among 14- to 17-year-old girls was positive and significantly greater than the rate of increase in initiation for males. For 18- to 21-year-old and 22- to 25-year-old women, the rate of initiation decreased during this period, but it decreased significantly less for them than it did for males. Pierce, J.P., Lee, L., & Gilpin, E.A. (1994), Smoking initiation by adolescent girls, 1944 through 1988: An association with targeted advertising. *Journal of the American Medical Association*, 271(8), 608-611 (U.S. Exhibit 64,263).

Q: Did Philip Morris's Virginia Slims brand continue to have success among adolescent girls after its introduction?

A: No. The 2002 presentation I cited above by the Leo Burnett agency titled "Virginia Slims In Search of Relevance" stated that the median age of the Virginia Slims smoker at the time of the report was 45. It indicated "these women were LA-30 [legal age to 30]

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when brand was launched." It concluded that the Virginia Slims brand had "become obsolete to subsequent generations of YAFS." For this reason, between 1991 and 2002, Philip Morris attempted several times to "fix the problems of the past." The agency stated that, if Philip Morris only maintained current adult smokers as customers, "this would inevitably lead to share decline given aging of the adult smoker franchise and move to discount." LB0066276-6324 at 6302-6304, 6308 (U.S. Ex. 58,930).

Q: What does this document show?

A: It shows that Virginia Slims was losing market share because it was not getting younger smokers to adopt it. Philip Morris knew that smoking typically begins in the adolescent years and young smokers are brand loyal. Philip Morris' s failure to get adolescents to start smoking Virginia Slims was at the root of its problem. As a result of this analysis, Philip Morris designed a new campaign, It's a Woman Thing, which was intended to make Virginia Slims more appealing to a younger audience and thus to halt the continuing decline in market share.

Q: What themes did Philip Morris seek to communicate through the It's a Woman Thing campaign?

A: Through this campaign, Philip Morris associated the Virginia Slims brand with images of self-confidence, attractiveness, or having fun.

Q: What, if any, documents support your conclusion?

A: An August 25, 1999 Leo Burnett memorandum attached a case study describing the problem of Virginia Slims as "Stuck in the Seventies." Leo Burnett stated, "With the brand's waning share and continuing lack of relevance to the important Young Adult Female Smoker audience, changes had to be made." The document described how qualitative research done in 1997 "influenced the development of the It's a Woman Thing

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campaign, which focused on the celebration of gender differences from a woman's vantagepoint." LB0131021-1040 at 1023, 1024 (U.S. Exhibit 33,402).

A March 18, 1996 presentation by Interbrand Schechter to Philip Morris discussed how Philip Morris had decided to "implement several new tactics to accelerate growth of the Virginia Slims brand in 1996. These tactics will consist of new advertising, packaging, and the introduction of a new king-size cigarette." The name for the new king-size cigarette needed to be "Supportive of the IAWT (It's a Woman Thing) campaign by embracing the following qualities: confident/Real; Affirmative/Fun." 2079012906-2976 at 2910, 2914 (U.S. Exhibit 22,675).

Q: Did Philip Morris redesign the Virginia Slims pack?

A: Yes, it did. A June 28, 1996 memo from Philip Morris employees Shari Teitelbaum, Amy Friedland, and Malika Dowdell addressed to Jeanne Bonhomme, Manager of Other Premium Brands at Philip Morris, described the success of the Virginia Slims redesign: "[T]he new packs were perceived to be more stylish, sophisticated, eye-catching, and in most cases, young adult than the current pack." 2061709130-9137 at 9132 (U.S. Exhibit 39,382).

Q: Can you provide examples of advertisements from the It's a Woman Thing campaign?

A: Yes. Two advertisements from that campaign are below. Each shows an attractive, happy, and confident young woman enjoying herself. As explained in the Philip Morris documents, the advertisements attempt to communicate that the young woman is uniquely female and to show what it means to be feminine and attractive.

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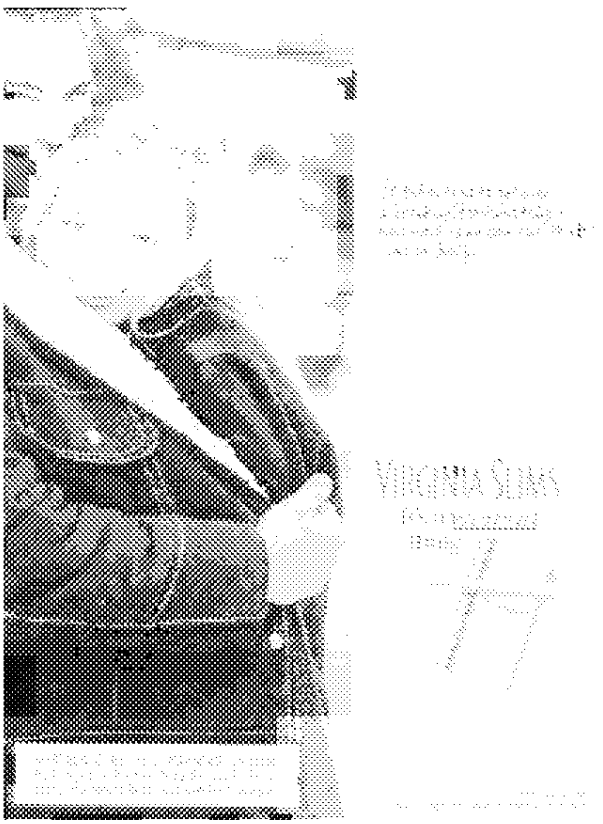
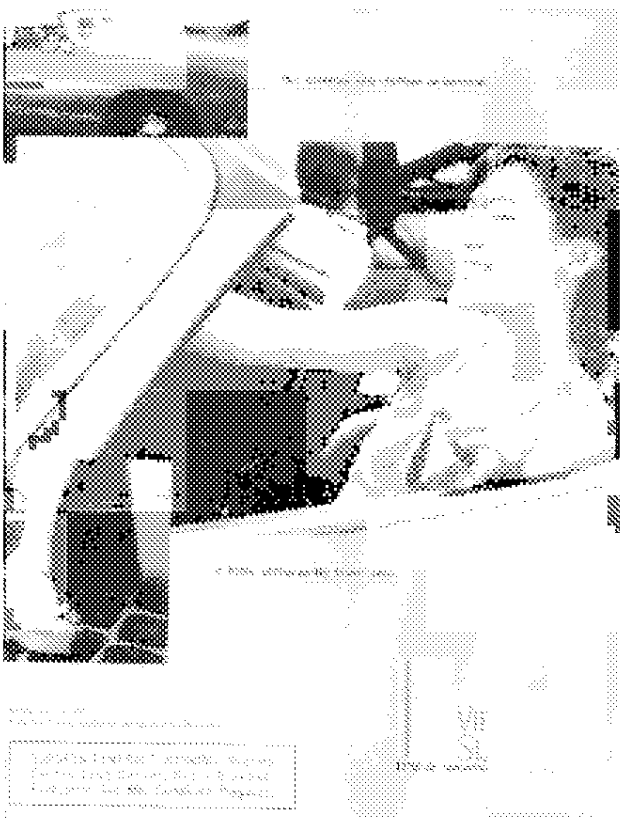


***Cosmopolitan,* January, 1998**
(ADV0650013-0015, U.S. Exhibit 12,983)



***Vogue*, August 1999** (ADV0470259-0261, U.S. Exhibit 11,507)

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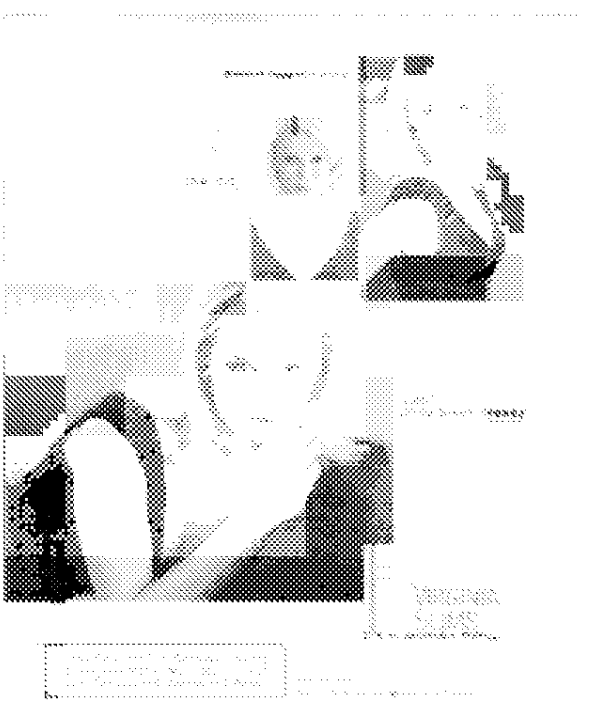
Q: Are the themes of this campaign relevant to the needs of adolescents?

A: Yes. As I testified earlier, many adolescent girls are keenly attentive to cues about how they can be attractive and self-confident women. These advertisements convey that young women are attractive and self-confident when they smoke Virginia Slims. An adolescent girl with strong needs for attractiveness and self-confidence will be vulnerable to the message that she can achieve these desired qualities by smoking Virginia Slims.

Q: How does Philip Morris associate being thin with Virginia Slims?

A: First, the name of the brand *is* Virginia *Slims* and the cigarette is thinner than most. In addition, the Virginia Slims models are consistently slender. For example, look at the model in this advertisement from *Life* magazine.



***Life*, February 1999** (ADV0530082-0084, U.S. Exhibit 12,527)

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Q: Is there any empirical literature that addresses slimness as a factor that motivates young women to smoke?

A: Yes. In Demonstrative 4, I cited a 1994 study by French, Perry, Leon, and Fulkerson. (U.S. Exhibit 72,896). It reported that adolescent girls with weight concerns are significantly more likely to be smokers. It also found that girls with substantial concerns about their weight are about twice as likely as girls without weight concerns to begin smoking over the following year. In a 1996 article, French and Perry reviewed a number of other studies indicating that weight concerns motivate young women to smoke. (U.S. Exhibit 72,898).

Q: Is there evidence that cigarette advertisements targeting girls emphasize thinness?

A: Yes. Cigarette advertisements targeting women are significantly more likely to show smokers as lean and attractive than are advertisements that do not target women, as shown by a study cited in Demonstrative 4 (Krupka, Vener, & Richmond, 1990) (U.S. Exhibit 72,745).

Q: Do you know whether Philip Morris considered the It's a Woman Thing campaign successful with a younger female audience?

A: It saw the campaign as "progress," and went on to take further steps. The August 25, 1999 Leo Burnett memorandum discussing the problem of Virginia Slims being "Stuck in the Seventies" states:

> In the 1990s several attempts were made to address Virginia Slims' increasing lack of relevance to the important young adult female smoker audience (ages 21-25). Several campaign initiatives were explore with limited results. While making progress, most notably with the 'It's a Woman Thing' campaign, perceptions of the brand remained rooted in the past.

LB0131021-1040 at 1023 (U.S. Exhibit 33,402).

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Q: What did Philip Morris do next?

A: As explained in the 2002 Leo Burnett presentation, Philip Morris developed the Find Your Voice campaign for Virginia Slims. The Find Your Voice campaign commenced in December of 1999. LB0131023-1040 at 1026 (U.S. Exhibit 33,402).

Q: What themes did Philip Morris associate with Virginia Slims through this campaign?

A: Philip Morris again associated Virginia Slims with images and themes that appeal to adolescents, namely confidence and fashion. The August 25, 1999 Leo Burnett memo described the Find Your Voice campaign. The campaign presented:

> a broad spectrum of images of women, diverse in age, size, lifestage, ethnicity and attitude. It addresses the hopes, dreams and aspirations of women, their confidence and strength, their accomplishments and independence, their individualized expressions of creativity and celebrates their mysteries as well.

LB0131021-1040 at 1026 (U.S. Exhibit 33,402).

Q: Can you provide advertisements from the Find Your Voice campaign?

A: Yes. Below and on the next page are advertisements from that campaign.

***Life*, March 2000** (ADV0320027-0031, U.S. Exhibit

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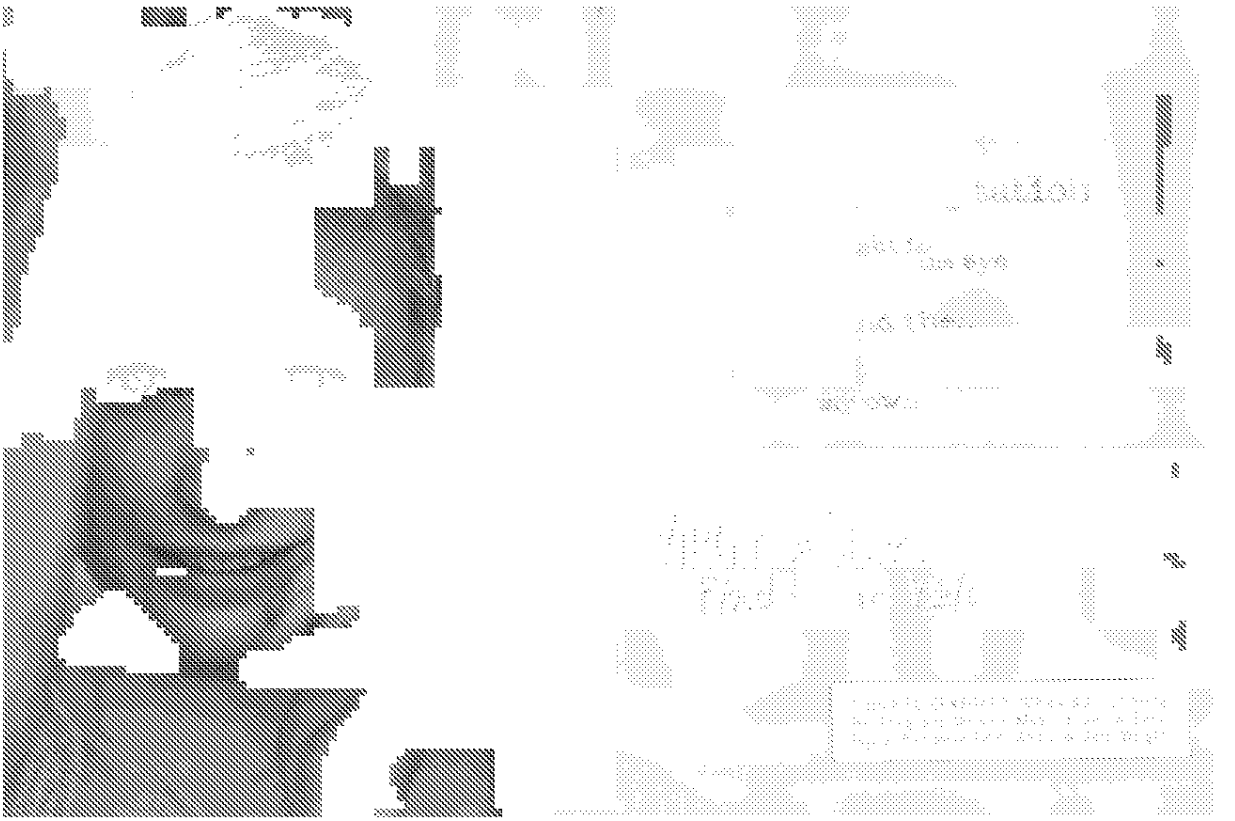

***Allure*, March 2000** (ADV0810169-0171, U.S. Exhibit 14,326)

Q: What are the themes communicated through these advertisements?

A: Philip Morris communicated themes of confidence and fashion through its Find Your Voice campaign. Suzanne LeVan, Vice-President of Premium Brands including Virginia Slims from 1991 until 2001, testified that the images are conveyed through "pictures of people that represent those characteristics, and they would also include words that would convey those characteristics, although not directly." Ms. LeVan indicated that a woman "dressed in an outfit that's fashionable" would convey the image of being fashionable. With respect to confidence, Ms. LeVan indicated that Virginia Slims advertising portrays confidence through posture. She stated, "Well, I think that a woman that is sitting up with her head high portrays a woman who is confident, and one who is slumped over and hanging her head, her body language would show that she's less confident." She added

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that the Virginia Slims communications "portrayed women with posture and their . . . head looking up, not looking away from people." Deposition of Suzanne LeVan, United States v. Philip Morris, et al., June 25, 2002, 21:10-24:11.

Q: Does the content of the magazines in which Philip Morris places Virginia Slims advertisements contribute to the appeal of this brand to adolescents?

A: Yes. Through the content of the magazines in which Virginia Slims advertisements appear, Philip Morris effectively associates smoking the brand with a wide variety of topics of great interest to adolescent girls.

For example, below is an advertisement from a 2000 issue of *In Style,* a magazine with content about popular celebrities and the latest fashions. The Virginia Slims advertisement shows a fashionable and confident woman; its placement in this magazine implies that Virginia Slims is part of the world of fashionable and popular people.

***In Style*, November 2000** (ADV0440004-0006, U.S. 11,200)

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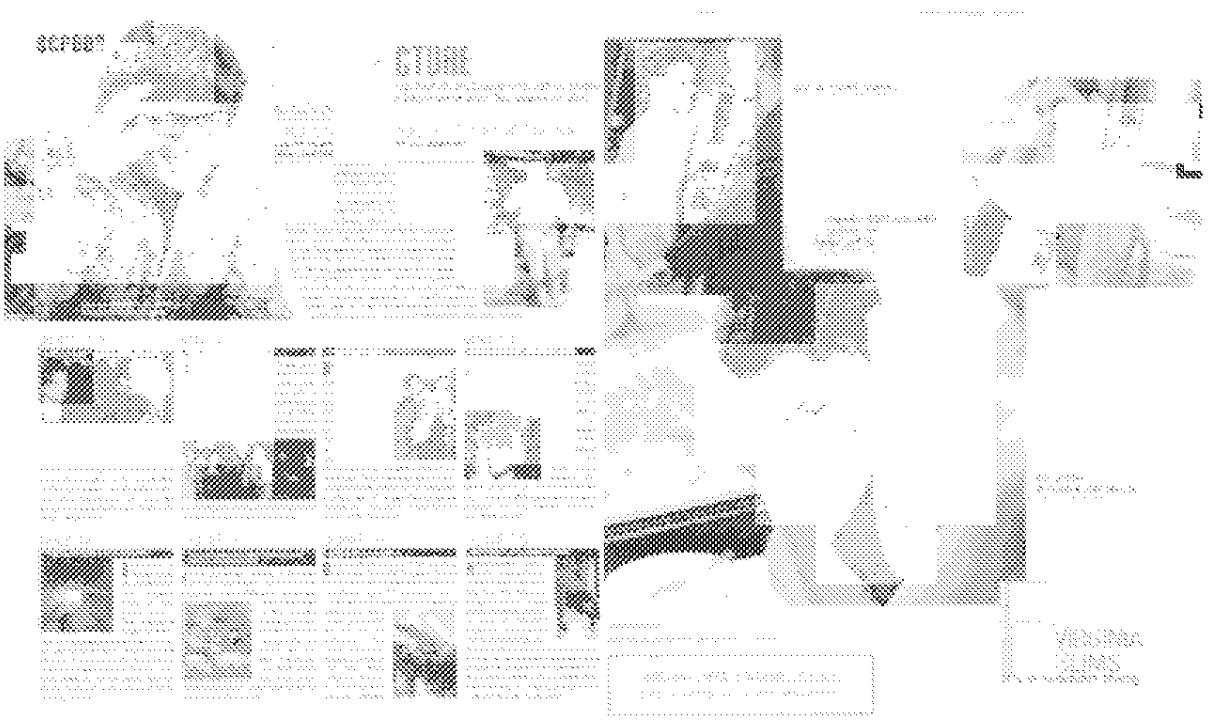
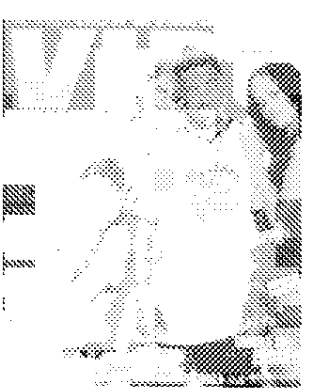
The following Virginia Slims advertisement is from the 1999 issue of *Vibe*. By itself, the advertisement communicates that the young women who smoke Virginia Slims are pretty, self-confident, and pursued by men. However, by placing this advertisement in *Vibe*, Philip Morris associates the brand with a magazine with content appealing to teenagers. As I will testify below regarding the use of music by Brown & Williamson to market Kool cigarettes, rap music is currently the most popular musical genre among teenagers.





***Vibe*, June-July 1999** (ADV0520091-0093, U.S. Exhibit 12,453, with its adjacent page)

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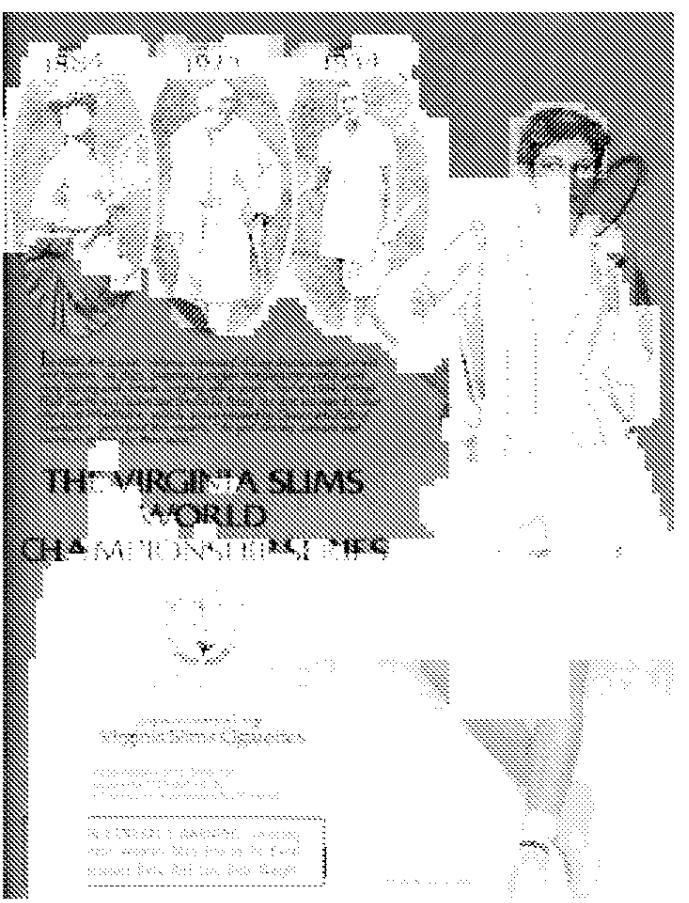
The following advertisement appeared in 2000 in *Allure*. The magazine has features on movie stars and numerous pieces on fashion and beauty tips.

***Allure*, 2000** (ADV08102420244, U.S. Exhibit 14,345)

http://legacy.library.ucsf.edu/tid/qnr07a00/pdf Substantial portions of www.industrydocuments.ucsf.edu/docs/tgjl0001

Q: Has Philip Morris associated its Virginia Slims imagery with sporting activities?

A: Yes, through its marketing programs. For example, beginning in 1971, the company sponsored the Virginia Slims Tennis Tournament. Philip Morris has sponsored a series of events around the country that featured the top women tennis players in the world. On the following page are two advertisements featuring Virginia Slims tennis sponsorships. The first is from *Sports Illustrated* in 1986. The second is from *Sports Illustrated* in 1982 and includes a list of tournament events.



***Sports Illustrated*, March 17, 1986**
(ADV0230804-0806, U.S. Exhibit 8,169)

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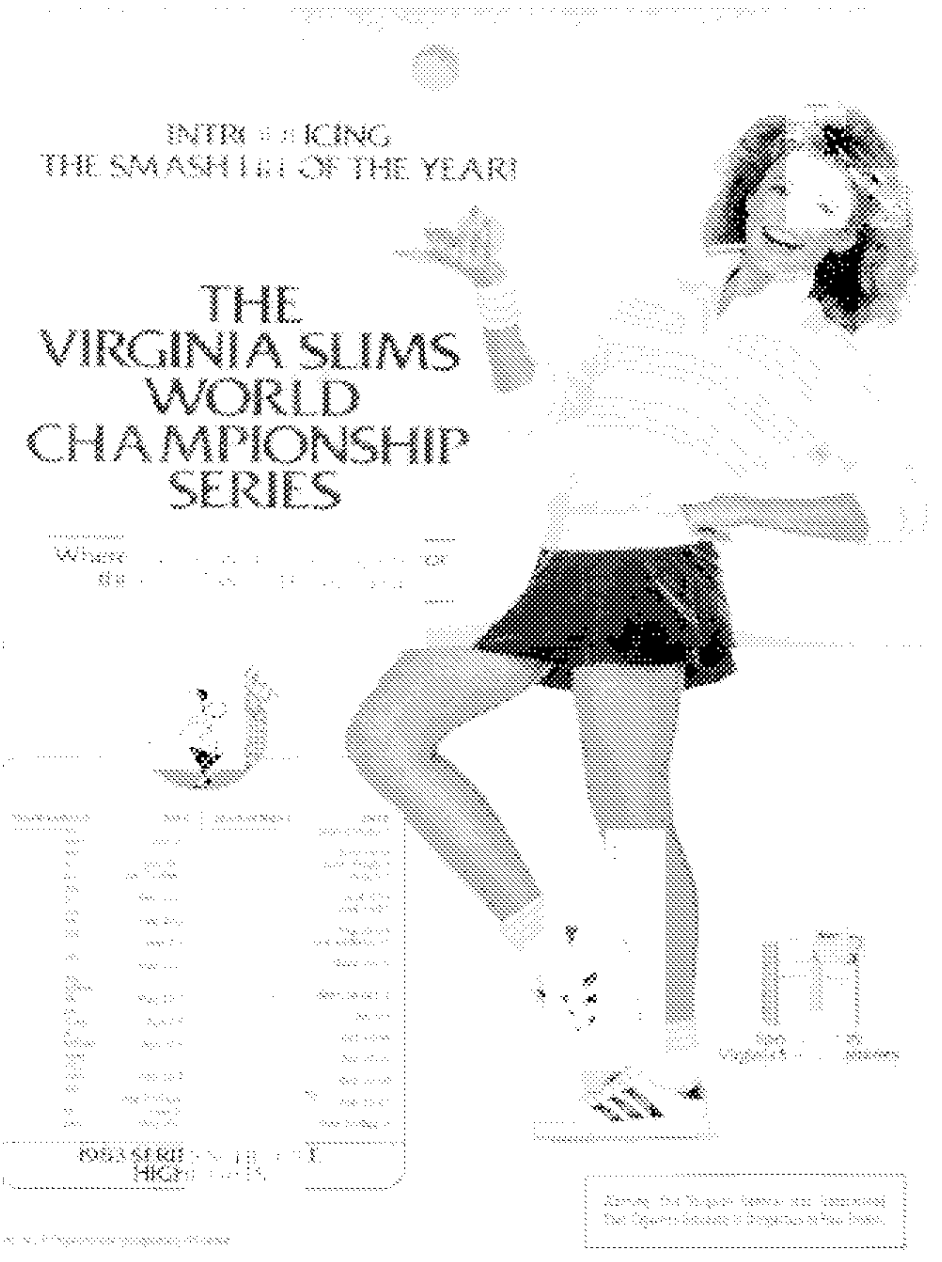

***Sports Illustrated*, 1982** (ADV0210817-0819, U.S. Exhibit 7,344)

Through these advertisements, Philip Morris associated Virginia Slims with tennis greats such as Billie Jean King and Martina Navratilova. LB0066276-6324 at 6287 (U.S. Exhibit 58,930).

Despite the tobacco companies' statement in the 1964 Advertising Code that cigarette smoking would not be associated with "physical activity requiring stamina or

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athletic conditioning beyond that of normal recreation," Philip Morris's sponsorship of women's tennis effectively associated smoking Virginia Slims with famous and successful athletes who engaged in physical activity requiring stamina or athletic conditioning beyond that of normal recreation. MNAT 00608606-8614 at 8611 (U.S. Exhibit 21,228).

Further, even though the tobacco companies promised in the Advertising Code that "Cigarette advertising shall not depict as a smoker any person well known as being or having been an athlete." the message that Philip Morris communicated by these sponsorships was that athleticism was compatible with smoking Virginia Slims. MNAT 00608606-8614 at 8611 (U.S. Exhibit 21,228).

Q: Do the themes and images of Virginia Slims advertising appeal to adolescents?

A: Yes. As I testified earlier, at some point in their development, most adolescent girls search for information about ways to become confident, attractive, and popular. Weight control is a particular concern for many adolescent girls. Philip Morris's association of the Virginia Slims brand with images of slender and attractive women provides the motivation for adolescent girls who are concerned about their weight to smoke Virginia Slims. Through advertisements, placement of those advertisements, association with professional women's tennis, and the very name of the cigarette, Philip Morris conveys to adolescent girls that smoking Virginia Slims is one thing they can do to enhance the image they have of themselves and the image others have of them. Simply by smoking Virginia Slims, they can feel like confident, slender, attractive, independent, and athletic young women.

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F. ***Merit***

Q: Have you examined the advertisements of any other Philip Morris brands?

A: Yes. I have reviewed a sample of magazine advertisements for the Merit brand. The advertisements I reviewed appeared in *GQ* and *Sports Illustrated* magazines, from 1976 through 1999.

Q: Why did you look at advertisements for this cigarette brand?

A: I wanted to compare the themes present in Marlboro advertising with the themes present in advertising for a brand that was not popular among youth. I wanted to see whether Philip Morris' marketing of such a brand contained themes and images that would appeal to adolescents.

Q: What evidence is there that Merit is not a youth-popular brand?

A: A study in *Morbidity and Mortality Weekly Report*, a publication of the Center for Disease Control and Prevention, presented evidence from 1993 on the market share of various brands among 12 to 18 year olds in the United States. Merit was not among the seven brands listed as having 0.6% or more of the market in this age group. MMWR, 1994 (U.S. Exhibit 25,794).

Q: Can you show us examples of Merit advertisements?

A: Yes. As you can see from the following advertisements, only two even have people in them. These advertisements state that Merit is a low tar cigarette, but do not associate smoking Merit with adolescent-relevant themes such as masculinity, independence, excitement, or popularity. None of these advertisements has high sensation value.

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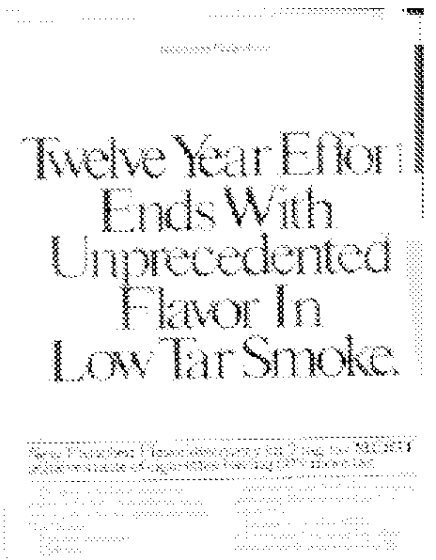
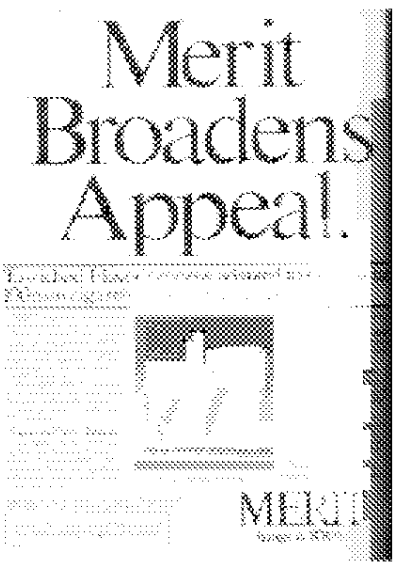
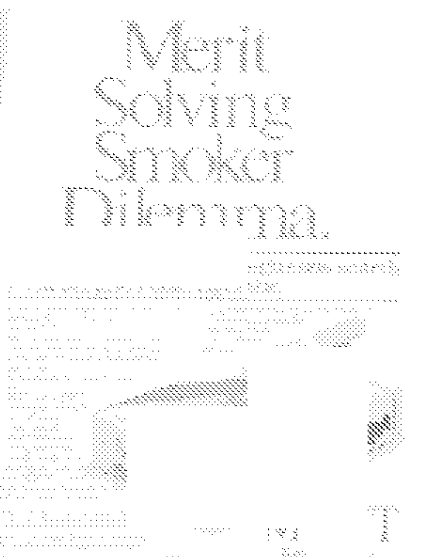

Twelve Year Effort Ends With Unprecedented Flavor In Low Tar Smoke.

Sports Illustrated, **January 26, 1976** (ADV0160223-0225, U.S. Ex. 4,981)


Merit Broadens Appeal.

Sports Illustrated, **March 14, 1977** (ADV0161312-1314, U.S. Ex. 5,342)


Merit Solving Smoker Dilemma.

Sports Illustrated, **April 3, 1978** (ADV0171435-1437, U.S. Ex. 5,704)

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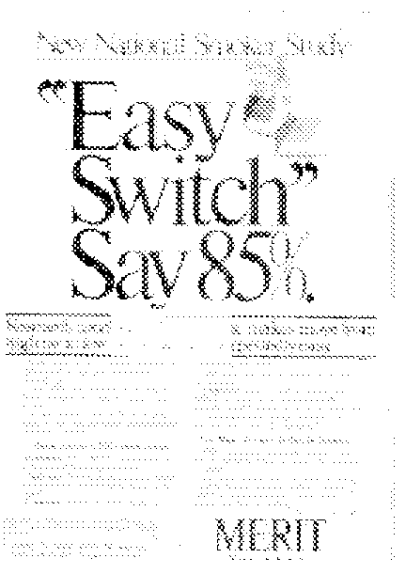
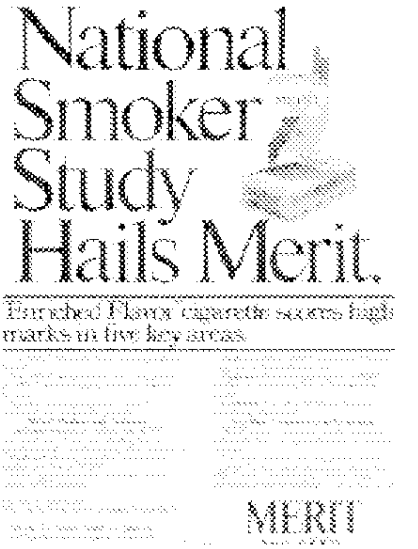


***Sports Illustrated*, July 3, 1978** (ADV0180019-0021, U.S. Ex. 5,803)



***Sports Illustrated*, June 25, 1979** (ADV0180946-0948, U.S. Ex. 6,112)

***Sports Illustrated*, July 16, 1979** (ADV0181004-1006, U.S. Ex. 6,131)

***Sports Illustrated*, August 27, 1979** (ADV0181123-1125, U.S. Ex. 6,170)

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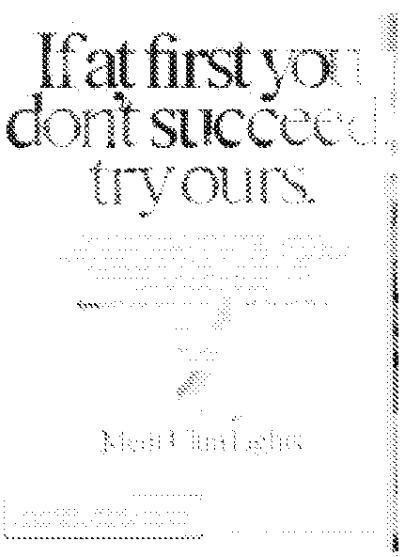
***Sports Illustrated*, April 7, 1980** (ADV0190644-0646, U.S. Ex. 6,415)

***Sports Illustrated*, July 23, 1986** (ADV0230971-0973, U.S. Ex. 8,222)



***Sports Illustrated*, January 23, 1989** (ADV0241086-1088, U.S. Ex. 8,659)

***GQ*, April 1999** (ADV0610140-0142, U.S. Ex. 12,892)

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Substantial portions of www.industrydocuments.ucsf.edu/docs/tgjl0001

Q: What did you conclude from looking at these advertisements?

A: I concluded that, in its marketing of the Merit brand, Philip Morris seldom uses themes or images that would appeal to adolescents.

Q: What is the relevance of your review of Merit advertisements to your conclusions regarding the themes and images Philip Morris associates with its Marlboro brand?

A: This is further evidence that Philip Morris's use of adolescent-relevant themes and images is a key factor in these brands being popular among youth. If Merit advertising also had the themes and images that I have shown are associated with the Marlboro brand, but did not have adolescents smoking it, it would contradict my conclusion that Philip Morris' brand image marketing influences adolescents to smoke the brand. However, Merit does not use such images and adolescents do not smoke the brand. As I discuss later in my testimony, I reach the same conclusion when I examine brands of the other tobacco companies that are not popular among youth.

Q: Is there any public health research that is consistent with your conclusion?

A: Yes. A study by Arnett published in 2001 was cited in Demonstrative 6. It obtained ratings of youth popular advertisements and Merit advertisements from 400 12- to 17-year-olds. The youths were shown two advertisements from each of the following brands: Marlboro, Newport, Camel, Winston, and Kool. They were also shown a Merit advertisement. On ratings of liking, eight of the ten youth popular advertisements were liked significantly more than the Merit advertisement. Both Marlboro advertisements were liked more than the Merit advertisement was. Four of the youth popular advertisements were rated as significantly more likely to make smoking appealing as was the Merit advertisement.

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IV. ***Lorillard***

Q: What types of Lorillard materials did you analyze?

A: I reviewed Lorillard internal marketing documents and Newport advertisements from 1972 to the present.

Q: What did you conclude from your review of Lorillard documents and Newport advertisements?

A: I drew two conclusions. First, Lorillard recognizes the need to attract adolescents in order to maintain and grow its share of the cigarette market. Second, in its advertising and other marketing practices, Lorillard has consistently associated smoking Newport with themes and images that are important to adolescents, thereby motivating adolescents to smoke Newport.

Q: Please explain your first conclusion.

A: Lorillard recognizes the need to attract adolescent smokers in order to maintain and grow its share of the cigarette market. Lorillard monitored cigarette smoking among teenagers long after the industry claimed not to be marketing to teenagers. It analyzed the ages at which teenagers started smoking Newport and understood that the success of its business derived from these teenagers smoking Newport.

Q: Can you provide some examples of documents that show that Lorillard monitored the smoking behavior of teenagers?

A: Yes, there are documents from the 1970s and 1980s on this topic. For example, an August 30, 1978 Lorillard memorandum from Ted Achey, Lorillard Director of Sales in the Midwest, to company President Curtis H. Judge regarding "Product Information" stated:

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> The success of Newport has been fantastic during the past few years. Our profile taken locally shows this brand being purchased by black people (all ages), young adults (usually college age), but the base of our business is the high school student.

03537131-7132 at 7131 (U.S. Exhibit 22,357).

An October 1981 report prepared for Lorillard by the firm Shoi Balaban Dickinson Research entitled "An Exploratory Study for Newport - Smoking and Purchase Behavior of Young Adults" stated:

> Starting to Smoke
> – One-half of these respondents started to smoke at ages 10 to 13 years, with the pattern being precisely equal between the male and female respondents.
> – The remaining half of the respondents was divided between those who started to smoke at 14, 15, or 16 years of age and those who started at 17 or 18 years. Among these participants it was rare to start smoking at an age older than 18 years.
> – Marlboro and Newport were mentioned far more often than any other brands as the initial brand smoked.
> . . . .
> – Newport: . . . . Both the male and female respondents thought of the typical Newport smoker as "young", and both cited Newport as a brand used by those who are just starting to smoke.

83896981-7009 at 6995, 7000 (U.S. Exhibit 55,927).

A November 25, 1981 Lorillard memorandum from Laurie Moroz, Manager of General Marketing Research, to J.R. Ave entitled "Smoker Incidence by Age Groups" included data on the percent and rate of smoking among those 13- to 17-years-old. 03926040-6042 at 6041-6042 (U.S. Exhibit 20,065).

These documents show that Lorillard understood that most smokers start smoking during their teenage years and that Lorillard was collecting data on the smoking initiation process among teenagers.

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*A. **Newport***

Q: Please explain your second conclusion.

A: Lorillard has consistently associated its Newport brand with themes and images of popularity and social acceptance as well as fun and excitement. In addition to these primary themes, Lorillard has associated the Newport brand and Newport smokers with athleticism and relaxation.

Q: Dr. Biglan, have you created a demonstrative to support your conclusion?

A: Yes, I have created Demonstrative 13, which shows Lorillard documents that relate to the marketing of the Newport brand.

*1. **Popularity and Social Acceptance***

Q: Do images of popularity and peer acceptance make Newport appealing to adolescents?

A: Yes. As I testified earlier, most adolescents desire to be a well-liked member of a peer group. Many of the advertisements for Newport tell them that Newport smokers are socially successful. Most adolescents want romance and are keenly interested in the opposite sex. Newport advertisements tell them that Newport smokers are successful with the opposite sex. Thus, Newport advertising communicates that adolescents can meet their needs for popularity and peer acceptance by smoking Newport.

Q: What documents show that Lorillard associates its Newport brand image with themes and images of popularity and social acceptance?

A: The August 30, 1978 Lorillard memorandum from Ted Achey, Lorillard Director of Sales in the Midwest, to company President Curtis H. Judge that I cited earlier discussed the reason for Newport's success: "NEWPORT in the 1970's is turning into the Marlboro of

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the 60's and 70's. It is the 'In' brand to smoke if you want to be one of the group." 03537131-7132 at 7131 (U.S. Exhibit 22,357).

Q: What does this memorandum show?

A: It shows that Lorillard understands that, when young people perceive that a brand is the "in" brand and that those who smoke it are "in," the brand is more likely to be successful in the marketplace. Communicating that young people who are "in" smoke Newport will motivate other young people who want to be "in" to smoke it too.

Q: Can you provide another example?

A: Yes. The October 1981 report prepared for Lorillard by the research firm Shoi Balaban Dickinson Research entitled "An Exploratory Study for Newport Smoking and Purchase Behavior of Young Adults" stated: "Adoption of current brand was very often motivated by a desire to smoke the same brand as a close friend or friends." 83896981-7009 at 6989 (U.S. Exhibit 55,927).

Q: What does this report show?

A: Like the other documents, it too shows that Lorillard understands that a desire to fit in with one's friends motivates the choice of a cigarette brand.

Q: Can you provide more examples and explain how they support your conclusion?

A: Yes. A November 11, 1993 presentation by McCracken Brooks for Lorillard entitled "Newport Promotional Concepts" stated that an objective of Newport promotions was to "Strengthen Newport's competitive edge as the peer brand among young adult smokers." The presentation also stated, regarding one of the advertisements Lorillard had evaluated, "The atmosphere of camaraderie and positive attitude collectively support the 'Alive with Pleasure' heritage." 91949806-9831 at 9808, 9813 (U.S. Exhibit 57,155).

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A July 1994 report entitled "An Evaluation of the Newport 'Pleasure on Wheels' Promotion" prepared for Lorillard by Meyers Research Center specified that one of the primary objectives of the promotion was to "Reinforce Newport's image as the 'peer brand' among young adult smokers." 91840214-0311 at 0218 (U.S. Exhibit 74,415).

These documents show that Lorillard understands the importance of communicating that Newport is popular among peers and also shows that Lorillard's marketing is oriented toward communicating this.

Q: Can you provide further examples and explain how they support your conclusion?

A: Yes. A January 1994 report prepared for Lorillard by Riva Market Research reported on the results of eight focus groups with menthol smokers on "Issues Related to Newport Cigarettes and its Advertising Campaign." The report stated that African Americans smoke Newport "because they perceive Newport as an 'in' cigarette that is popular among their friends and peers." The report also stated, "Black Salem/Kool Smokers relate Newport to . . . popularity." 91950191-0242 at 0196, 0199 (U.S. Exhibit 74,423).

A July 15, 1996 report from Dick Westwood at Strategy & Tactics, Ltd. to Scott Benson, Group Manager of Marketing Research at Lorillard, regarding "The Menthol Market Study Reanalysis" discussed the relative importance of taste and imagery for making a brand attractive and specifically focused on social acceptance:

> [T]here is a strong relationship between image and brand. For example, 81% of those who characterize their brand primarily in terms of "Social Acceptance" are, in fact, smoking Newport. Imagery thus seems to play a major role in menthol brand selection—not just, or even primarily, "taste" imagery but, particularly, user imagery . . . a large part of menthol brand choice may thus be driven by a brand's "social meaning", and its fit to motives rooted in personality and lifestyle.

96290861-0869 at 0866 (U.S. Exhibit 85,209).

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These documents show that Lorillard understands the importance of associating the image of "social acceptance" with the Newport brand through its advertising. Moreover, Lorillard recognizes that it has been successful in doing so, since those who see Newport as a brand associated with social acceptance or being "in" are smoking the brand. The perception that smoking Newport goes with social acceptance has been firmly established in the minds of those exposed to Newport's advertising.

Q: Have you seen documents from other tobacco companies that support your conclusion about Newport?

A: Yes. Philip Morris's own research shows that Newport's popularity is due to the perception among those who desire peer acceptance that the brand will help them fit in with their peers. A February 1998 Philip Morris report entitled "Young Adult Smoker Lifestyle and Attitude Segmentation" identified segments of young adult smokers in terms of their lifestyles and personalities. The document dubbed one group "Hollow Followers" because of their strong motivation for peer acceptance. The report stated that Newport's "perceived peer popularity is driving its growth among Hollow Followers." 2073056330-6412 at 6409 (U.S. Exhibit 42,808).

Q: As a psychologist, could you please explain what age group is most concerned with popularity, being "in," and peer acceptance?

A: As I testified earlier, being accepted by one's peers is a core issue for adolescents. Issues of fitting in and having others like them are dominant concerns during this developmental period. There is a large literature of empirical studies on the way in which peer acceptance or approval influences the development of other behaviors in adolescence. These issues tie in with adolescents' needs for satisfying self-images and with their

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concerns about masculinity and femininity. The need for acceptance is one of the prime factors motivating adolescents to engage in behaviors they perceive will help them achieve acceptance.

Q: Can you give examples of Newport advertisements that involve popularity and then explain the imagery of these advertisements?

A: Yes. Newport advertising has been remarkably consistent since 1972. The imagery has consistently involved themes of popularity and social acceptance. The Alive with Pleasure campaign almost invariably depicts attractive young men and women interacting in fun, light-hearted situations.

Here are two advertisements that Lorillard ran 28 years apart. In both, attractive young people are laughing heartily. They are having good times together.

***Sports Illustrated*, October 1975** (ADV0151173-1174, U.S. Exhibit 4,873)

***Entertainment Weekly*, May 2003** (ADV0430043-0045, U.S. Exhibit 11,183)

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In the two advertisements pictured on the next page, healthy, robust young people are having fun together in fun situations. All of these young people are accepted members of a fun peer group.

***People*, June 1998** (ADV0450150-0152, U.S. Exhibit 11,257)

***People*, August 1998** (ADV0450228-0230, U.S. Exhibit 11,283)

Frequently, Newport advertisements show couples in a romantic embrace or a playful situation, such as the first advertisement on the following page from the Alive with Pleasure campaign, or the second advertisement on the following page from the Fire It Up campaign.

All of these advertisements show that a Newport smoker is a person who has good times with other people. They communicate that young people who smoke Newport are well-liked, socially successful people with attractive friends and boyfriends or girlfriends.

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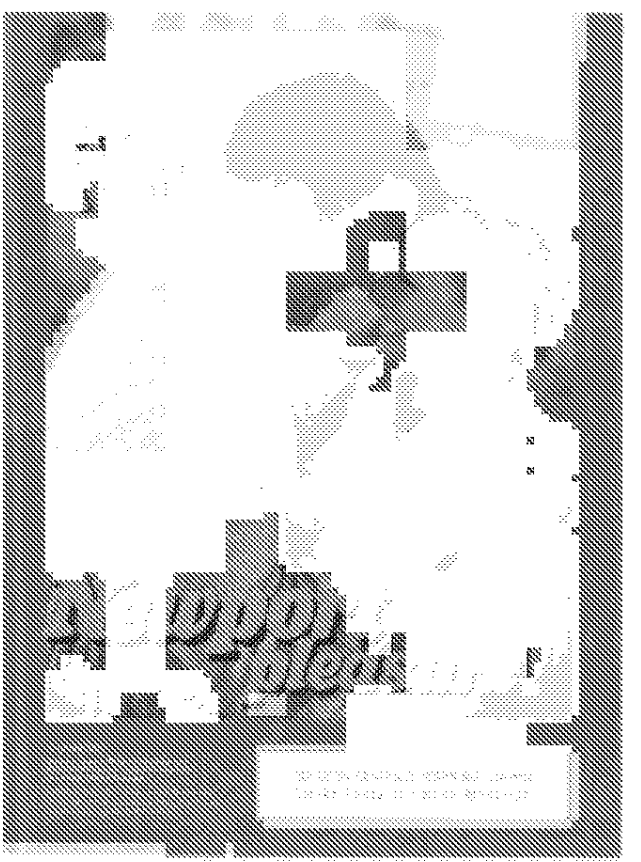
***Sports Illustrated*, August 1984** (ADV0220762-0763, U.S. Exhibit 7,768)



***Glamour*, April 2003** (ADV0860283-0285, U.S. Exhibit 14,767)

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Q: Are there other ways that Lorillard associates Newport and the Newport smoker with themes and images of popularity and social acceptance?

A: Yes. Through the content of the magazines in which it advertises Newport, Lorillard associates smoking Newport with themes and topics that are of great interest to adolescents who are concerned about popularity. The magazines include ones appealing to young women (e.g., *Mademoiselle*, *Cosmopolitan*, *In-Style*), men's magazines (e.g., *Playboy*, *GQ*), music magazines (e.g., *Rolling Stone*, *Spin*), celebrity magazines (e.g., *People*), and sports magazines, such as *ESPN*. Through association with the editorial content of these magazines, combined with the peer approval imagery pictured in Newport's advertisements, Lorillard conveys the image of the Newport smoker as someone who has all the qualities that go with being socially successful.

Q: Can you provide some examples of Newport advertisements from the magazines you just referenced and explain what you mean about the magazine content?

A: Yes. For example, the content of celebrity magazines helps Lorillard communicate that the Newport smoker is popular. On the next page is an advertisement that appeared in a 1999 issue of *People*. As I testified earlier, adolescents who are concerned about popularity are interested in other people who are popular. By reading about these popular people, adolescents can get clues about how to achieve popularity themselves and they can vicariously experience what it is like to be well known and well liked. Through the celebrity-focused editorial content of *People*, in combination with the peer group imagery used in Newport advertisements, Lorillard communicates that Newport is part of the world of popular people. An adolescent who is seeking ways to feel accepted learns that Newport smokers are socially successful. At the same time, adolescents' peer groups

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learn that smoking Newport is what socially successful people do. In this way, the advertising truly conditions the peer group to be more accepting of the young person who smokes Newport. The study by Pechmann and Knight (2002), cited in Demonstrative 6, illustrates this point. (U.S. Exhibit 72,905)

***People*, August 1999** (ADV0480073-0075, U.S. Exhibit 11,590)

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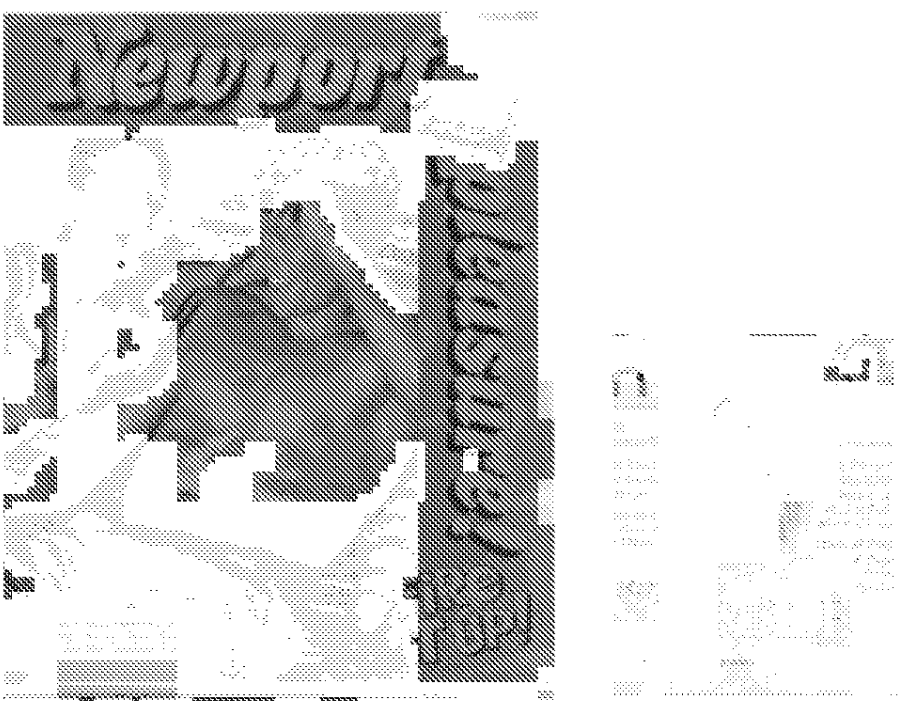
The following advertisement appeared in *In Style* in 1999. It shows an attractive, healthy couple having fun. The magazine featured stories about movie stars, fashion, parties, and recreation. By placing Newport advertisements featuring popular and happy young people in this magazine, Lorillard effectively links smoking Newport with the excitement, glamour, and sex appeal that adolescent girls associate with movie stars, big parties, and popular fashions. The message is clear: Newport smokers are popular people who have fun times with their friends.



***In-Style*, August 1999** (ADV0850199-0201, U.S. Exhibit 14,637)

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2. *Fun and Excitement*

Q: What other images does Lorillard associate with Newport?

A: Lorillard associates fun and excitement with Newport.

Q: How does the association of images of fun and excitement with the Newport brand make it appealing to adolescents?

A: Lorillard's advertisements effectively communicate that one can have fun and excitement by being a Newport smoker. As I testified earlier, many adolescents crave excitement and most are interested in having fun with their peers. The Newport world is one filled with the fun and excitement that adolescents crave.

Q: Can you provide examples of documents that support this conclusion?

A: Yes. A number of documents listed in Demonstrative 13 show that Lorillard has effectively associated Newport with adolescent themes of fun and excitement.

Q: Can you provide some examples?

A: Yes. In an October 1981 study of Newport smoking and purchase behavior among 18- to 24-year-olds entitled "An Exploratory Study for Newport Smoking and Purchase Behavior of Young Adults," conducted for Lorillard by the research firm Shoi Balaban Dickinson Research, respondents were shown five to ten Newport advertisements. "They described the people shown in the ads as happy, or 'having fun' and healthy." 83896981-7009 at 7003 (U.S. Exhibit 55,927).

A September 1988 study prepared by the Lorillard Marketing Research Department entitled "Newport Image Study" listed perceptions of Newport smokers. It stated that, in all geographic regions, "Newport smokers were viewed as party-goers,

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those that do their own thing and fun-loving" who "were viewed younger and more fun-loving than Kool and Salem smokers." 89579737-9797 at 9784 (U.S. Exhibit 67,673).

A November 11, 1993 presentation by McCracken Brooks for Lorillard entitled "Newport Promotional Concepts" outlined a number of advertising and marketing strategies that involved communicating fun and excitement:

- Build excitement around Newport as an integral part of the urban center lifestyle
- Develop exciting innovative program concepts and overlays with involving and dynamic features that pull the consumer to the brand
- Reinforce brand image and equity in the 'pleasure' positioning as developed through previous advertising campaigns.

91949806-9831 at 9808 (U.S. Exhibit 57,155).

A January 1994 report prepared for Lorillard by Riva Market Research reported on the results of eight focus groups with menthol smokers and presented a number of findings showing that the Alive with Pleasure campaign communicates that Newport smokers have fun:

> Black Salem/Kool Smokers relate Newport to fun and excitement. . . . Black Newport Smokers believe that Newport ads send strong, positive messages because they incorporate happiness, togetherness, and people taking part in fun things. . . . The strength of "Alive with Pleasure" is that it depicts settings where fun situations that could include smoking are presented. . . . The strength of "Newport Pleasure" is that the theme centers on the benefits [fun] of a specific brand [bracketed "fun" appears in the original] . . . . AWP [Alive with Pleasure] . . . communicates: life, energy, activities, happy times, couples, togetherness, wholesomeness, and fun. . . . AWP [Alive with Pleasure] seems to set more of a mood of being upbeat, happy, full of life and energy.

91950191-0242 at 0196, 0199, 0200 (U.S. Exhibit 74,423).

Q: What do these documents demonstrate?

A: Lorillard uses themes and images of fun and excitement to market the Newport brand, and Lorillard is effective in conveying the image of the Newport smoker as someone who

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has lots of fun. Such Newport advertisements would influence adolescents who were seeking fun or excitement by communicating that smoking Newport can help them meet their psychological needs.

Q: Do any documents from other tobacco companies support your conclusion?

A: Yes, documents show that other companies understand that Lorillard effectively associates Newport with fun and excitement. For example, a December 1987 research report prepared for Philip Morris by Bamundo Qualitative Research discussed focus group sessions among 18- to 24-year-old Newport smokers. The report stated:

> Participants at both sessions perceived the typical Newport smoker to range in age from older teens to mid/upper twenties. Further, the Newport smoker was outgoing, fun-loving, enjoyed partying, and was into disco and/or jazz music.

2072661589-1613 at 1601 (U.S. Exhibit 89,186).

A 1999 presentation entitled "A Look at the Smoking Culture of Young Adult Males," presented to Philip Morris by the research firm the Golden Door reported on a study of 19-24 year old smokers. It reported: "Newport, on the other hand, is simple and direct, about energy, parties and good times, as well as being open, friendly, and streetwise." LB0167349-7429 at 7424 (U.S. Exhibit 33,659).

An April 14, 2000 memorandum from Michael Cassidy, a Consumer Research Manager at Philip Morris, to "Distribution List" summarizes data from Philip Morris's "YAMScan II- Final Presentation." "YAMS" stands for "Young Adult Male Smoker." The memorandum discusses why some YAMS may be gravitating to the Newport brand: "Newport . . . has a simple characterization of being fun, inclusive, parties and good times." 2081597478-7481 at 7480 (U.S. Exhibit 45,420).

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A February 9, 2001 Leo Burnett (Philip Morris's advertising agency) memorandum addressed to various Philip Morris executives reported on a Marlboro imagery study among menthol YAS, or young adult smokers. It stated, "Newport YAS say menthol equals 'energy,' 'excitement.'" 2081338997-8999 at 8998 (U.S. Exhibit 45,389).

Finally, an August 6, 1999 draft presentation bearing Philip Morris and advertising agency Young & Rubicam insignias entitled "Life after Launch: Parliament Creative Development and Photoshoot for Year 2000" states that Newport "'Owns' fun/active . . . positioning." 2080490740-0774 at 0752 (U.S. Exhibit 70,717).

Q: What do these documents show?

A: Documents show that Lorillard uses themes and images of fun and excitement to attract adolescents to its Newport brand. They show that Philip Morris also understands that Newport advertising is effective in conveying the image of the Newport smoker as having fun and excitement.

Q: Can you show the Court advertisements in which Lorillard associates Newport with images of fun or excitement?

A: Yes. The following two advertisements show attractive, happy, young people "horsing around" in either a hammock or a kayak; the third advertisement shows young people on a roller coaster. For adolescents who like excitement, a roller coaster is a pretty good bet. These Newport advertisements also convey the themes of fun and excitement by using taglines for the campaigns Alive with Pleasure and Newport Pleasure.

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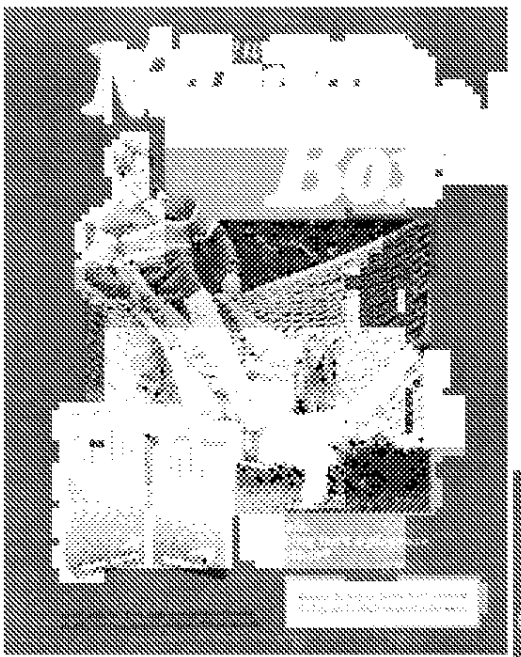

***Rolling Stone*, May 1985**
(ADV0060034-0036, U.S. Exhibit 1,156)

Mademoiselle*, *September 2000
(ADV0510501-0503, U.S. Exhibit 12,421)

***Sports Illustrated*, April 1975**
(ADV0150611-0612, U.S. Exhibit 4,685)

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3. *Athleticism*

Q: What other themes or images, if any, does Lorillard associate with its Newport brand?

A: Athleticism.

Q: How does Lorillard associate Newport with athleticism?

A: Lorillard marketing of Newport often associates the brand and its users with athletic activities. Newport advertisements show young people enjoying numerous sports, including football, tobogganing, skiing or ski jumping, archery, hiking, basketball, soccer, rock or mountain climbing, wind surfing, fishing, water volleyball, rollerblading, surfing, and baseball.

Q: Does Lorillard's association of Newport with athleticism appeal to adolescents?

A Yes. Many adolescents are very interested in sports. By advertising during televised sports events, as I will discuss below, Lorillard communicated to adolescents who watched these shows that smoking Newport was perfectly compatible with the world-class athletic performances of the athletes who appeared on these broadcasts. Just as the documents reviewed above showed that Newport advertisements communicated that smoking Newport would make one "happy" and "full of life," advertising on these shows associated Newport with peak athletic performance.

Similarly, Lorillard's ongoing association of the Newport brand with diverse athletic activities communicates that smoking Newport is perfectly compatible with these fun activities. Moreover, Lorillard often depicts these fun activities as highly social, appealing again to adolescent desires for popularity and peer approval. Adolescents who

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seek the good times they already associate with sports shown in Newport advertisements will readily conclude that smoking Newport should be a part of these activities.

Q: Are there internal Lorillard documents that support your conclusion?

A: Yes, listed in Demonstrative 13 are documents that show that Lorillard associates athleticism with smoking Newport.

Q: Can you provide some examples?

A: Yes. A Lorillard presentation for its 1964 national sales meeting stated that the company would advertise Newport on a number of television sports shows, including *Wide World of Sports*, the American Football League, and the Pre-Olympic trials. 04411381-1443 at 1409 (U.S. Exhibit 74,884).

In an October 1981 report prepared for Lorillard by the research firm Shoi Balaban Dickinson Research entitled "An Exploratory Study for Newport Smoking and Purchase Behavior of Young Adults," respondents provided their reactions to models in Newport advertising. Respondents "repeatedly described them as 'all outdoors' or 'sports.'" 83896981-7009 at 7003 (U.S. Exhibit 55,927).

The November 1993 presentation made to Lorillard by McCracken Brooks discussed the Newport Sports Campaign: "The Newport Sports promotion crosses cultural boundaries with the universal appeal of sports. . . . As groups of consumers engage in the Newport zone activities the interest of the activities provides a mutual pleasurable experience." Under "Rationale," the document stated: "Newport becomes synonymous with sports via an attitude of pleasure beyond the regulation limits." 91949806-9831 at 9824 (U.S. Exhibit 57,155).

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A March 18, 1992 Lorillard letter to all division managers and assistant division managers attached materials intended for presentation to retailers. The attachment states, "Watch your sales increase with Newport's Baseball Hat Promotion." 89112750-2751 at 2751 (U.S. Exhibit 56,462). This retail promotion provides an example of how Lorillard uses sports to attract adolescents to its Newport brand. Adolescents wear baseball caps a great deal of the time. This Lorillard promotion providing a baseball hat effectively communicates that smoking Newport goes with playing baseball.

Q: What do these documents demonstrate?

A: They show that Lorillard conveys to young people that Newport is synonymous with sports, which makes the brand more appealing to them. Salient characteristics of sports include vigor, health, skill, fun, popularity, and success. Thus, by making Newport synonymous with sports, Lorillard fosters the perception that one can be vigorous, healthy, skillful, popular, and successful and have fun by smoking Newport.

Q: Can you show the Court some advertisements that exemplify the themes you have just discussed?

A: Yes. On the following page are just a few of the advertisements that link Newport to athletic activities.

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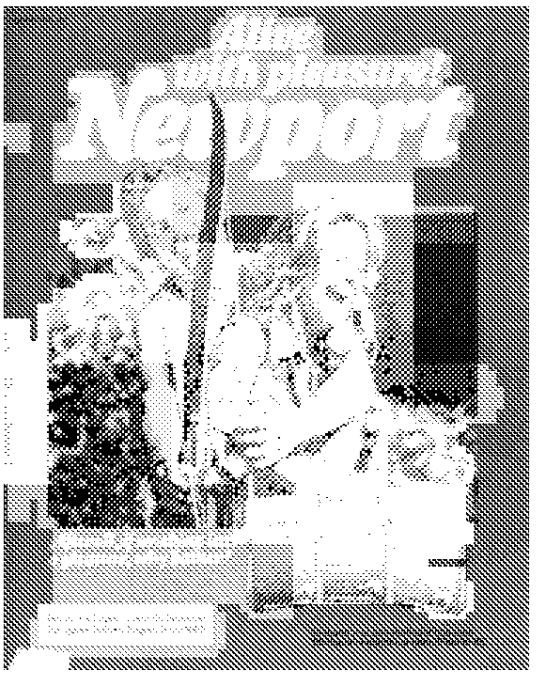
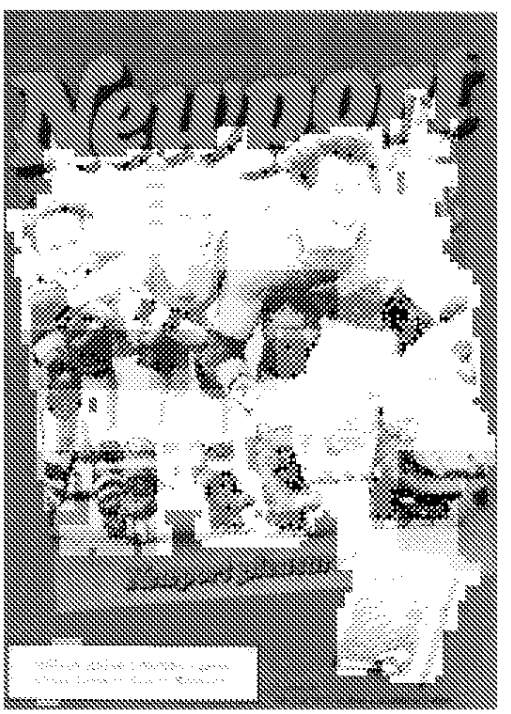


***Rolling Stone*, June 1977**
(ADV0030895-0898, U.S. Exhibit 227)



***Sports Illustrated*, May 22, 1995**
(ADV0260570-0572, U.S. Exhibit 9,360)

***Vibe*, February 2000** (ADV0520178-0180, U.S. Exhibit 12,477)

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***Cosmopolitan*, September 2002**
(ADV0490681-0683, U.S. Exhibit 12,074)

Q: Do Defendants make any promises in their Advertising Code about depicting athletes or athletics in advertising?

A: Yes, the 1964 Advertising Code stated: "Cigarette advertising shall not depict as a smoker any person well known as being, or having been an athlete . . . Cigarette advertising shall not depict as a smoker any person participating in, or obviously having just participated in, physical activity requiring stamina or athletic conditioning beyond that of normal recreation." MNAT00608606-8614 at 8611 (U.S. Exhibit 21,228).

The 1990 Advertising Code stated: "Cigarette advertising shall not depict as a smoker anyone who is or has been well known as an athlete, nor shall it show any smoker participating in, or obviously just having participated in, a physical activity requiring

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stamina or athletic conditioning beyond that of normal recreation." 2070557699-7702 at 7700 (U.S. Exhibit 20,519).

Q: Did this provision of the Code stop Lorillard from using imagery that associated athleticism with smoking?

A: No. As the advertisements I have just shown indicate, Lorillard has clearly not felt constrained by the Code from associating diverse athletic activities and all of the healthful and fun attributes of those activities with smoking Newport.

4. Relaxation

Q: What other themes and images, if any, does Lorillard associate with the Newport brand?

A: Lorillard also associates relaxation—a theme closely related to the theme of having fun—with Newport.

Q: Does the theme of relaxation appeal to adolescents?

A: Yes. As I testified earlier, in adolescence, many young people experience stress and anxiety for the first time in their lives. They are motivated to find ways to relax. By associating images of relaxation with Newport, Lorillard makes the brand more appealing to adolescents who are searching for ways to achieve a state of comfort or relaxation.

Q: Are there documents that support your conclusion?

A: Yes. Documents indicate that Lorillard marketing effectively associates the Newport brand and Newport smokers with relaxation. For example, the September 1988 Newport Image Study reported that 48% of respondents said that Newport smokers were relaxed. 89579737-9797 at 9766 (U.S. Exhibit 67,673).

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A January 1994 document prepared for Lorillard by Riva Market Research reporting on the results of eight focus groups with 18- to 29-year-old menthol smokers, which stated, "Black Newport Smokers relate Newport to relaxing situations or 'chillin' in pleasant surroundings." 91950191-0242 at 0195 (U.S. Exhibit 74,423).

Q: Can you give examples of Newport advertisements that associate Newport with relaxing situations?

A: Yes. Here is an advertisement in the Alive with Pleasure campaign from a *Sports Illustrated* of 1974. These young people are sharing a relaxing time together.

***Sports Illustrated*, September 1974** (ADV0141407-1409, U.S. Exhibit 4,473)

Q: To sum up, how have the Lorillard marketing efforts you have described made the Newport brand appealing to adolescents?

A: Lorillard successfully communicates to adolescents that they can achieve the social success most teenagers greatly desire and that they can have fun—even pleasure—by becoming Newport smokers. They can also view themselves as happy, healthy, and athletically talented people—and other teenagers who see these advertisements will view them the same way.

The success of Newport in achieving market share among adolescents is one indication of the success of this brand image communicated in its advertising.

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Additionally, as the research I reviewed earlier shows, teenagers exposed to cigarette advertising believe that smoking is associated with the attributes of being popular, happy, energetic, enjoying life, hip or cool. This research includes Donovan et al, 2002, and Pechmann and Ratneshwar, 1994, from Demonstrative 6; Potts et al., 1986, from Demonstrative 4; and Romer and Jamieson, 2001, and Evans et al., 1995, from Demonstrative 3.

B. True

Q: Have you examined the advertisements of any Lorillard brands other than Newport?

A: Yes. I have looked at a sample of magazine advertisements for the True brand.

Q: Is True popular with adolescents?

A: No. A study in *Morbidity and Mortality Weekly Report*, a publication of the Center for Disease Control and Prevention, presented evidence from 1993 on the market share of various brands among 12- to 18-year-olds in the United States. True was not one of the seven brands listed as having 0.3% or more of the market in this age group. U.S. Department of Health & Human Services, August 19, 1994 (U.S. Exhibit 63,106).

Q: What did you conclude from looking at these advertisements?

A: I concluded that, in its marketing of the True brand, Lorillard seldom uses themes or images that would appeal to adolescents.

Q: Can you show the Court examples of True advertisements?

A: Yes. As you can see from the following advertisements, only one includes a person in it. These advertisements say that True is a low tar cigarette, but none associates smoking True with adolescent-relevant themes such as masculinity, independence, or popularity.

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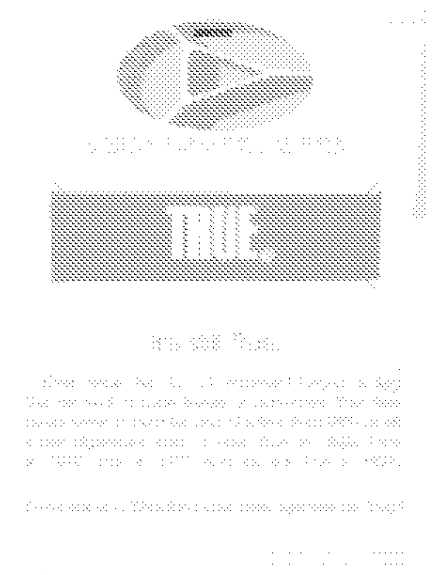
True, a brand that is not marketed with themes and images important to adolescents, is not as popular with adolescents as those brands such as Newport that are associated with adolescent-relevant themes and images.

This further supports my conclusion that Lorillard's marketing of Newport with themes and images important to adolescents influences Newport's substantial brand share among adolescents.



***Sports Illustrated*, September 18, 1972** (ADV0130571, U.S. Ex. 3,846)

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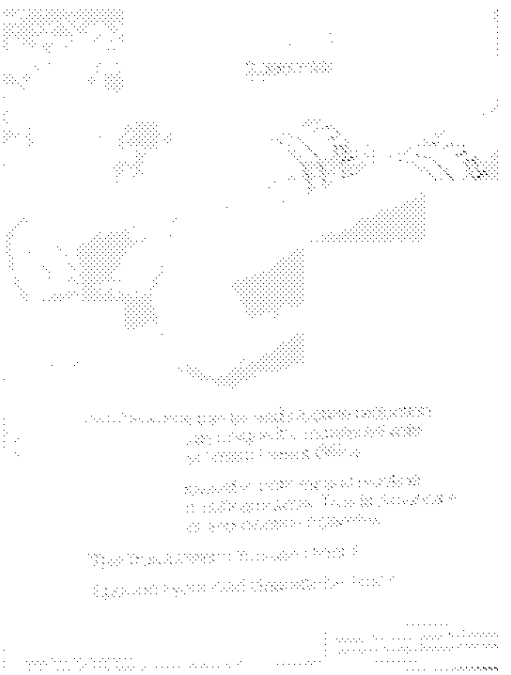
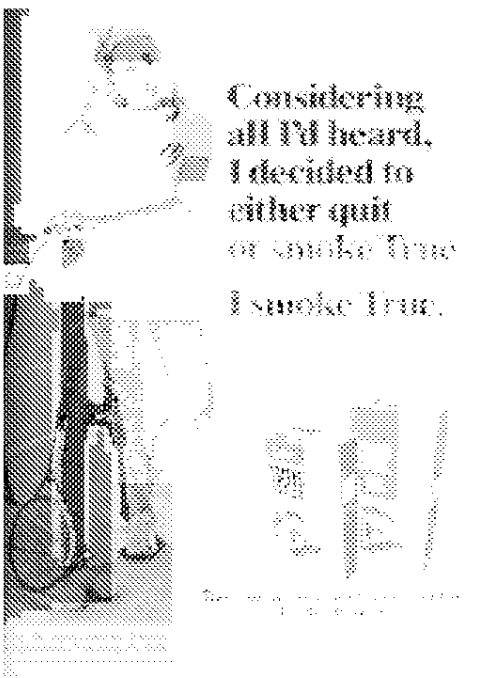


***Sports Illustrated*, September 24, 1973** (ADV0140159-0161, U.S. Ex. 4,117)



***Sports Illustrated*, February 16, 1976** (ADV0160281-0283, U.S. Ex. 5,000)

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V. ***Brown & Williamson***

Q: What types of Brown & Williamson materials did you analyze?

A: I examined Brown & Williamson marketing planning and research documents including documents specific to Kool; Brown & Williamson advertisements; other marketing materials; and depositions of Brown & Williamson marketing executives. I also reviewed videotaped presentations regarding the B Kool campaign and Kool sponsorship of Indy Car racing.

Q: What conclusions did you draw from your review of these materials?

A: I drew three conclusions. First, Brown & Williamson understands the need to influence adolescents to begin smoking its cigarette brands to build and maintain its market. Second, Brown & Williamson understands the themes and images likely to motivate teenagers to smoke its cigarette brands. Third, Brown & Williamson has effectively incorporated such themes and images into its marketing of Kool and thereby communicates to adolescents through its marketing that smoking this brand will satisfy certain adolescent needs such as masculinity, excitement, fun, and coolness.

Q: Please explain your first conclusion.

A: Brown & Williamson knows that increases or decreases in the market share of Kool depend on the proportion of adolescents who begin smoking this brand.

Q: Dr. Biglan, have you created a demonstrative of materials that support your conclusions?

A: Yes. I created Demonstrative 14, which I will refer to in my testimony.

Q: Can you provide an example of a document that supports your conclusion?

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A: Yes. A February 21, 1973 internal Brown & Williamson memorandum from R.L. Johnson, an employee of Brown & Williamson Advertising, to R.A. Pittman, a Brown & Williamson Vice President, discussed the importance to Kool of the 16- to 25-year-old age group:

> At the present rate, a smoker in the 16-25 year age group will soon be three times as important to KOOL as a prospect in any other broad age category. . . . KOOL's stake in the 16-25 year old population segment is such that the value of this audience should be accurately weighted and reflected in current media programs . . . all magazines will be reviewed to see how efficiently they reach this group.

170052238-2240 at 2238-2239, 2240 (U.S. Exhibit 35,018).

Q: What does this document show?

A: This document demonstrates that Brown & Williamson recognizes the importance of getting its share of the teenage market.

Q: Can you describe another Brown & Williamson document?

A: Yes. A Brown & Williamson document that gave a "1976 Forecast" entitled "Viceroy Agency Orientation Outline" analyzed which brands were most successful in "obtaining starting smokers" and analyzed consumption among 16- to 25-year-olds. Brown & Williamson also identified one of its target audiences as "Males 16-35 primarily." 680116947-6968 at 6949, 6950, 6959 (U.S. Exhibit 21,877).

Q: Can you provide examples of other Brown & Williamson documents that support your conclusion?

A: A December 1, 1980 report entitled "Kool: 1933-1980 A Retrospective View of Kool" prepared for Brown & Williamson by Cunningham & Walsh discussed the fact that growth in Kool sales was dependent upon getting young people to smoke the brand. In explaining the growth of Kool sales between 1960 and 1965, the report stated: "Between

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3 and 4 million post-war babies enter the smoking population annually starting in 1963, a new source of business." 676019303-9393 at 9329 (U.S. Exhibit 53,921).

It is important to note that "post-war babies" were, during this period, generally below the age of 18. For example, in 1963, a child born in 1946 was 17; one born in 1948 was 15. According to the report, Brown & Williamson's television advertising during this period reached "two key growing opportunity segments: Young people, particularly males, needing traditional rites of passage" and "Blacks, looking for a menthol taste" 676019303-9393 at 9331 (U.S. Exhibit 53,921).

The report also stated:

> If we accept that youth smoke primarily for image, and it was the attraction of this segment as well as black smokers, particularly males, that provided the main sources for the Brand's growth, then we can deduce that Kool's advertising provided these smokers with a relevant image, i.e., the menthol smoke for the kind of man they could emulate.

676019303-9393 at 9341 (U.S. Exhibit 53,921).

In addition, the report is explicit about the importance of starters: "Kool's share of starters climbs to 12.0% in '75 vs. 7.0% in '70; 60% of starters are under 25 years in '75." 676019303-9393 at 9357 (U.S. Exhibit 53,921).

Q: How does this document support your conclusion?

A: It shows that Brown & Williamson understands that the market share for Kool depends on the number of adolescent starters it can influence to smoke Kool and that Brown & Williamson can influence those starters to smoke Kool if the brand's advertising conveys that Kool smokers have an attractive image.

Q: Can you provide an example of other documents and briefly describe how they support your conclusion?

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A: An October 26, 1983 "Report Produced by the Information Center" for Brown & Williamson entitled "Starting Age of All Smokers on the Switching Study" shows the distribution of ages at which respondents started smoking. More than 37% of respondents reported starting before the age of 18 and 60% before the age of 21. 670579884-9946 at 9884 (U.S. Exhibit 25,429). This document shows that Brown & Williamson understood that a sizeable proportion of smokers would begin smoking another company's brand in their teenage years if they did not begin smoking a Brown & Williamson brand. Therefore, Brown & Williamson understood that it was important to attract adolescents to smoke its brands.

Brown & Williamson's "1985 Strategic Marketing Plan" discusses how information it has gathered about the desires of Marlboro smokers "may be a clue to needs of starters." 673002083-2170 at 2138 (U.S. Exhibit 69,097). Brown & Williamson was interested in what needs motivate young people to begin smoking; in order to compete with Marlboro, Brown & Williamson needed to understand how to motivate starting smokers to choose Kool.

A 1985 document from Brown & Williamson's parent company, British American Tobacco (BAT), stated under the heading "BAT: General Marketing Policies": "Overall BAT strategy will be market specific and multi-brand but within each market major effort behind one brand aimed at starters/young adults." 109870521-0561 at 0536 (U.S. Exhibit 21,925).

A February 17, 1987 memorandum from D.V. Cantrell to I.D. Macdonald, Brown & Williamson Marketing Vice President entitled "Kool Isn't Getting the Starters/236" stated: "This memo addresses the fact that Kool is no longer attracting new smokers

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Substantial portions of this document may be subject to boilerplate www.industrydocuments.ucsf.edu/docs/tgjl0001

(further referred to as 'starters')." The memorandum analyzes the role of menthol brands in helping young people get used to smoking:

> Menthol brands have been said to be good starter products because new smokers appear to know that menthol covers up some of the tobacco taste and they already know what menthol tastes like, vis-à-vis candy.

621079918-9921 at 9918, 9920 (U.S. Exhibit 30,792). This document demonstrates that Brown & Williamson recognizes the importance of getting new smokers (i.e. starters) to smoke its brands.

A number of documents show that Brown & Williamson understands the importance of the adolescent market for its business. For example, a British American Tobacco document from the 1980s that discussed Project "Saturn" noted that the "adoption phase" for smoking was "14-16 years old—High School (Formative Years)." 400229127-9148 at 9139 (U.S. Exhibit 47,489).

In other documents, Brown & Williamson reviewed data on brand market share or consumption among those as young as 16. 680116947-6968 at 6950 (U.S. Exhibit 21,877); 670624932-5364 at 5013-5015, 5061 (U.S. Exhibit 53,869).

Q: Let's turn to your second conclusion. Can you further explain this conclusion?

A: Brown & Williamson is aware of the psychological needs that motivate adolescents to smoke cigarettes.

Q. Can you provide examples of documents and briefly explain how they support your conclusion?

A: Yes. A Brown & Williamson document from 1976 entitled "Viceroy Agency Orientation Outline" discussed "real or perceived benefits of smoking," which include "symbol of maturity or independence," "social ice breaker," and "presentation of self in a favorable

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manner associated with the cigarette brand image." The document analyzed Marlboro's executional elements (cowboys, horses, scenery, and lifestyle) and the connotations of these elements, including rugged individualism, masculinity, strength, and good health. Through its advertising, Marlboro achieves "benefits through imagery," namely, "Marlboro is a rich, satisfying cigarette smoked by men who are strong, independent people whose lifestyles are equally rich and satisfying." 680116947-6968 at 6952, 6964 (U.S. Exhibit 21,877).

This document shows that Brown & Williamson understands that, in order to motivate adolescents to smoke, its advertising must associate its brands with images important to those adolescents, such as masculinity, strength, independence, and maturity.

Q: Are there other Brown & Williamson documents that support your conclusion?

A: Yes. An August 28, 1979 document entitled "Key Areas–Product Innovation over Next 10 Years for Long Term Development" from Brown & Williamson parent company, British American Tobacco. This document referenced "Image/peers" as "Factors starting the habit." 109872505-2508 at 2505 (U.S. Exhibit 21,530). This document shows that Brown & Williamson was aware that adolescents start smoking, at least in part, so that they can project a desired image to their peers.

A British American Tobacco document from the 1980s that discussed Project "Saturn" indicated that the need for social acceptance is among the influences on smoking initiation. This includes being able to "avoid threats" and "join crowd (avoid rejection)." The document also listed as reasons for smoking: "role models," "fear of rejection," "revolt," and "right [sic] of passage." 400229127-9148 at 9138, 9139 (U.S.

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Exhibit 47,489). This document demonstrates that Brown & Williamson's affiliate has analyzed the factors that influence adolescents to begin smoking and understands some of the key psychological needs that adolescents have. I understand that BAT shared some research with Brown & Williamson.

My Demonstrative 14 includes several additional documents that state that the need to rebel against authority motivates taking up smoking. D.E. Creighton, BATCo Research and Development Scientist, presented a "Structured Creativity Group Presentation" at the "Structured Creativity Conference" held on June 25-28, 1984. The presentation discussed the need "to appeal to the young, who want to protest so that the product image, and the product will satisfy this part of the market." 102690336-0350 at 0338 (U.S. Exhibit 21,681). These documents show that Brown & Williamson understood the role of rebelliousness in motivating adolescents to smoke.

A. Kool

Q: Let's turn to your third conclusion. Can you further explain this conclusion?

A: Brown & Williamson has effectively incorporated themes and images into its marketing of Kool that communicate to adolescents that smoking this brand will satisfy important adolescent needs. Brown & Williamson marketing associates the Kool brand and smokers of Kool with at least three types of images or attributes important to adolescents: (1) masculinity, (2) excitement and fun, and (3) membership in a young, cool, in-group. In addition to its other marketing practices, Brown & Williamson has made extensive use of music to associate these images with the Kool brand and Kool smokers.

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1. Masculinity

Q: Dr. Biglan, please describe the image of masculinity that Brown & Williamson associates with Kool.

A: There are a variety of attributes that Brown & Williamson uses to define the masculine brand image of the Kool smoker. They include being tough, self-confident, able to take care of oneself, strong, highly skilled in athletics, hard-working, independent, and adventurous.

Q: Does Brown & Williamson's use of images of masculinity in its marketing of Kool make the brand appealing to adolescents?

A: Yes it does. By associating the Kool brand with images of handsome, self-confident, and socially successful men, the company communicates to adolescent males who are searching for ways to achieve a satisfying masculine self-image that they can achieve that image by smoking the Kool brand. In addition to the masculine images that Brown & Williamson conveys in advertising, its association of the Kool brand with sports, through advertisements in *Sports Illustrated,* and through sponsorship of Indy Car racing, conveys to adolescents that smoking Kool is an essential component of being a successful, masculine athlete. In addition, by associating the Kool brand with music that is popular among adolescents, Brown & Williamson associates the brand with images of popular musicians who are influential male role models among adolescents.

Q: Have you created a demonstrative to illustrate your conclusion?

A: Yes, Demonstrative 15 shows Brown & Williamson's association of Kool with masculinity as well as excitement and fun, and membership in a young, cool, in-group.

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Q: Can you provide an example of a document showing Brown & Williamson's association of Kool with masculinity?

A: Yes. In the Kool Strategic Brand Plan for 1981, Brown & Williamson stated, "KOOL's equity of name, product uniqueness and young male symbolism must be brought into the 1980's and exploited." 670624652-4705 at 4656 (U.S. Exhibit 20,973).

Q: What does this document demonstrate?

A: This document demonstrates that Brown & Williamson was striving to ensure that its marketing associated Kool with a version of masculinity that would be appealing to younger people and that, by doing so, it could more effectively market the brand.

Q: Can you describe other documents?

A: Yes. A Brown & Williamson "Work Plan" from 1985 entitled "New Kool 25's Test Market" stated: "The 25's package may also enhance the masculine appeal of KOOL to its targeted young adult smokers." 661092913-2933 at 2915 (U.S. Exhibit 53,694).

The Kool Media Plan for 1985 also shows that Brown & Williamson tried to market Kool through images of masculinity. The plan stated: "The creative property is judged to be a strong masculine proposition for the brand and as such a valuable targeting device for young male smokers." 670660378-0420 at 0380 (U.S. Exhibit 53,870).

Q: What does this document show?

A: Together with the earlier documents, it shows that Brown & Williamson has consistently used masculinity to try to make Kool appealing. As I testified earlier, by making Kool the "ultimate expression" of masculinity, the company motivates anyone who is seeking masculinity to smoke Kool.

Q: Can you provide another example?

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A: Yes. An August 1985 research report prepared for Brown & Williamson by Kapuler Marketing Research evaluated four alternative black models for the Kool "Biker" campaign. The researchers conducted eighty interviews with black male menthol smokers between 21 and 35 years of age. These smokers viewed a series of "visuals" involving black male models and motorcycles. The study identified one model that was especially effective:

> The most striking finding of the present study is the considerable emotional involvement generated by the model called, 'The Player' . . . . Respondents are often openly envious of the Player's imagined success with women and the easily-won affluence they think he enjoys. He is perceived as a young man whom younger respondents find it especially easy to relate to. He is sharp, street-smart, good looking, and very cool. All these are strongly admired traits.

The study also provided evidence of the value of associating Kool with motorcycles:

> Respondents continue to see the same themes in the motorcycle-related visuals: freedom and escape, solitude and self-sufficiency, danger, manliness, power and control.

679010345-0391 at 0354, 0359 (U.S. Exhibit 71,218).

Q: What does this document demonstrate that is relevant to your conclusion?

A: Brown & Williamson carefully crafted and evaluated advertisements in order to identify those that most powerfully portray the Kool smoker as an attractive and powerful man.

Q: Can you provide other examples?

A: Yes. A September 8, 1986 memorandum to J.L. Hendricks, Brand Promotions Project Manager, summarized qualitative research done in 1986 on "New Kool Advertising Executions." It reported:

> Both male models project extremely masculine images. They are seen as strong men in both the physical and emotional sense. This machismo is conveyed by the presence of the motorcycle and the women who seem to be holding on to, and even grasping, the men in some of the visuals.

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676010419-0431 at 0421 (U.S. Exhibit 69,112).

A May 1987 study entitled "Kool Impact Awareness & Usage Study Pre-Wave," prepared for Brown & Williamson by Kapuler Marketing Research, concluded that "KOOL Full-Taste smokers were best described as being 'masculine' and 'rugged'." 465647509-7599 at 7522 (U.S. Exhibit 67,875).

Q: What do these documents show?

A: Brown & Williamson's marketing of Kool employs masculine images, which make the brand appealing to adolescents who want to establish their own sense of confident masculinity. Additionally, Brown & Williamson was able to confirm that its marketing was conveying that Kool Full Taste smokers appeared to be masculine and rugged.

Q: Could you provide some examples of Kool advertisements that convey masculinity?

A: Yes. Brown & Williamson communicates masculinity in its Kool advertisements by showing attractive young men smoking Kool, looking confident, and engaging in activities that are of interest to many men. The two-page advertisement below, from a late 1986 *Sports Illustrated* associates the Kool brand with a handsome, rugged man with a good-looking woman and a powerful motorcycle. As the September 8, 1986 memorandum described above indicates, such an advertisement is effective in conveying an "extremely masculine" image. 676010419-0431 at 0421 (U.S. Exhibit 69,112).

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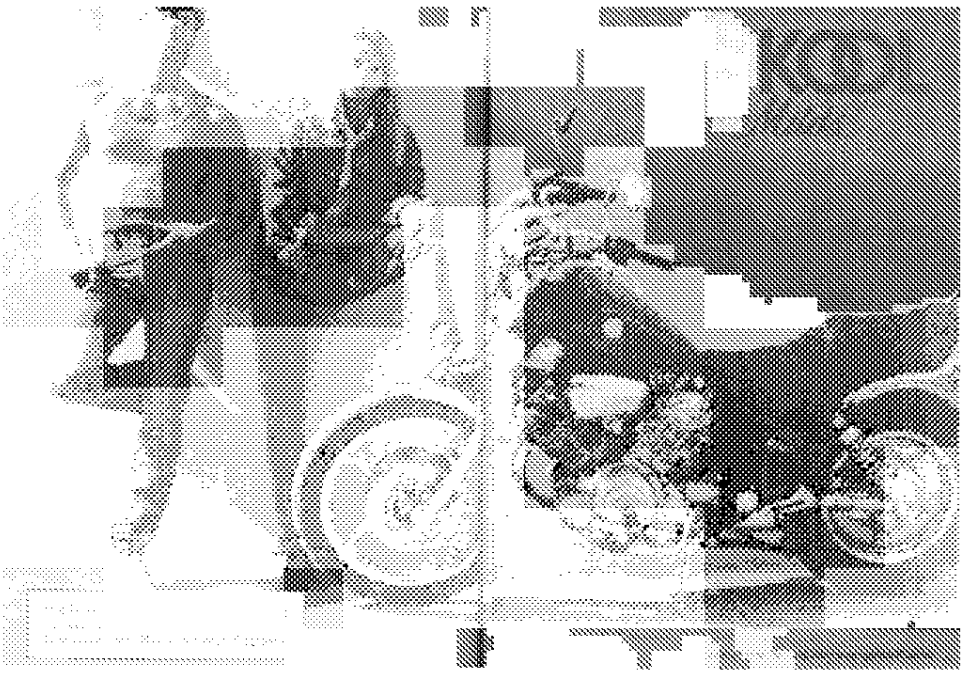

1

2 This advertisement from 1985 shows a good-looking man on his motorcycle in a

3 country setting.

***Sports Illustrated*, 1985** (ADV0230310-0312, U.S. Exhibit 8,013)

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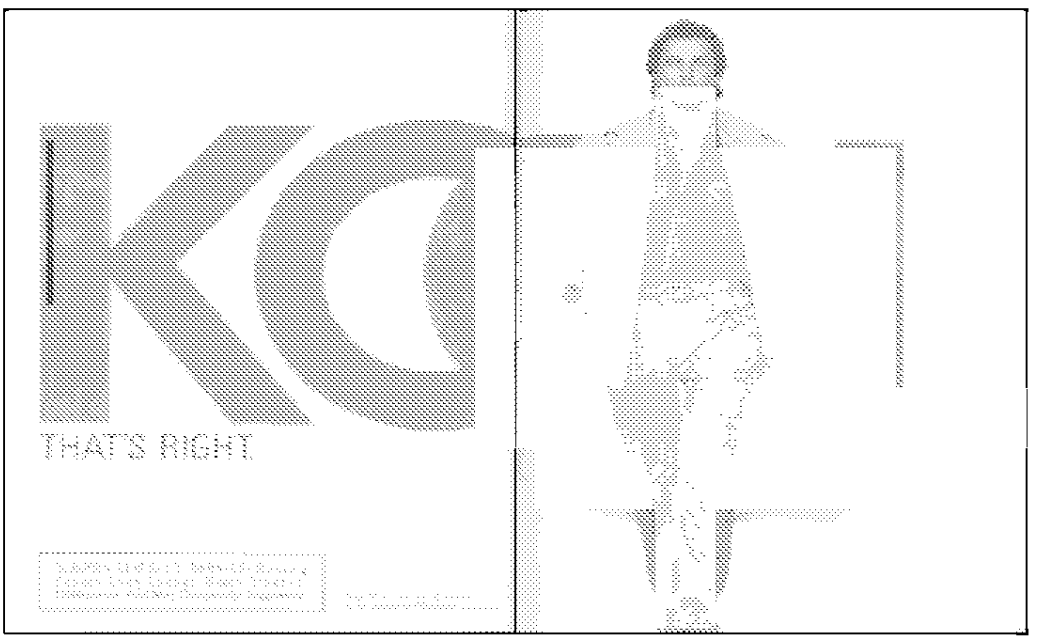
Here is a handsome, well-dressed young man confidently walking toward the camera, cigarette in hand.



***Sports Illustrated*, 1989** (ADV0260075-0077, U.S. Exhibit 9,199)

Q: Can you describe some of the magazines in which Brown & Williamson places its Kool brand advertisements?

A: The magazines in which Brown & Williamson places these advertisements cover a variety of topics of interest to adolescent males, including sports, automobiles, and music. When Brown & Williamson puts images of masculine Kool smokers in the context of these masculine role activities, it communicates that smoking Kool is part of being a man.

Q: Can you provide an example of magazines in which Brown & Williamson placed advertisements for Kool?

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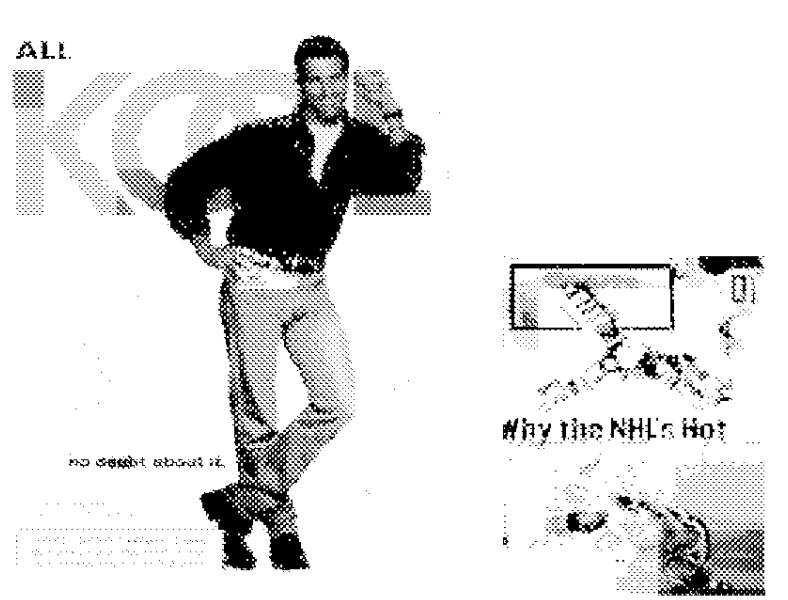
The two advertisements below were in *Sports Illustrated* in 1980 and 1994, respectively. They pair masculine, handsome, self-confident young men with the Kool brand and effectively associate the Kool smoker with professional sports.

***Sports Illustrated*, 1980** (ADV0[illegible]599-0601, U.S. Exhibit [illegible])



***Sports Illustrated*, 1994** (ADV0260293-0295, U.S. Exhibit 9,269)

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2. ***Excitement and Fun***

Q: What other images does Brown & Williamson associate with Kool?

A: Brown & Williamson associates Kool with excitement and fun.

Q: Does Brown & Williamson's association of Kool with excitement and fun make the brand appealing to adolescents?

A: Yes. As I testified earlier, adolescents are particularly interested in exciting and fun activities. Indeed, the increased desire for excitement and risk-taking in adolescence appears to be biologically driven. By promoting Kool as compatible with excitement and fun, Brown & Williamson makes it particularly appealing to adolescents who crave excitement.

Q: How has Brown & Williamson communicated excitement and fun through its marketing of Kool?

A: Brown & Williamson has associated Kool and its smokers with excitement and fun through images of motorcycles, images of Kool smokers engaged in fun and exciting activities, and through its association of the Kool brand with music popular among youth.

Q: Can you provide an example of a document showing Brown & Williamson's association of Kool with excitement and fun?

A: A Brown & Williamson "Smoker Personality Study" for Kool included research showing that people high in "risk taking/hedonism" are an important target audience for Kool marketing. To address risk-taking, the document recommends that "Visual cues which add flash, flair, and excitement would address the personality trait of risk taking/hedonism." 679155993-6194 at 6009, 6023 (U.S. Exhibit 71,120).

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Q: What does this document demonstrate that is relevant to your conclusion that Brown & Williamson associates Kool with excitement and fun?

A: It shows that Brown & Williamson is trying to make the Kool brand more appealing to those high in risk-taking by associating it with exciting stimuli. Brown & Williamson's use of motorcycles in its advertising, shown earlier, is one example of this practice.

Q: Do any Brown & Williamson documents show Brown & Williamson's use of motorcycles to associate Kool with excitement and fun?

A: Yes. Brown & Williamson's 1984 "Kool Biker Ad Campaign Test Market Work Plan" stated: "The 'Biking' experience, as depicted in the ads, provides a brief escape from the ordinary life to enjoy the freedom and excitement of the open road." 635900092-0117 at 0094 (U.S. Exhibit 54,346).

Q: Do any advertisements show Brown & Williamson's use of motorcycles to market Kool?

A: Yes. This 1985 advertisement was placed the year after the date of the just-cited document. It shows an attractive young man both sitting on and riding a motorcycle and states that Kool will supply "A sensation beyond the ordinary."

***Rolling Stone*, 1985** (ADV0050973-0975, U.S. Exhibit 1,094)

Q: How else has Brown & Williamson associated excitement and fun with the Kool brand?

A: Brown & Williamson has associated the Kool

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brand with youthful recreational activities and images of young people having fun. For example, a December 5, 1980 memorandum from M. Matteson, Kool Brand Manager, to R.L. Llewellyn entitled "Kool In-Store Presence" described plans to promote Kool during the 1981 spring break in Florida:

> Kool will be spending almost $500M over four weeks in these two markets against the young adult vacationers. This will be a tie-in program with *Playboy* (and their bunnies) to conduct mass sampling in bars. Kool has the opportunity to conduct in-store promotions that will tie in with the entire beach mentality of these young adults.

660073510-3510 (U.S. Exhibit 53,572).

Q: Do any advertisements from the 1980s associate the Kool brand with images of fun and recreational settings?

A: Yes. On this and the next page are three advertisements from the late 1980s showing happy and attractive young men and women in recreational settings.

***Sports Illustrated*, 1987**
(ADV0240327-0329, U.S. Exhibit 8,429)

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf
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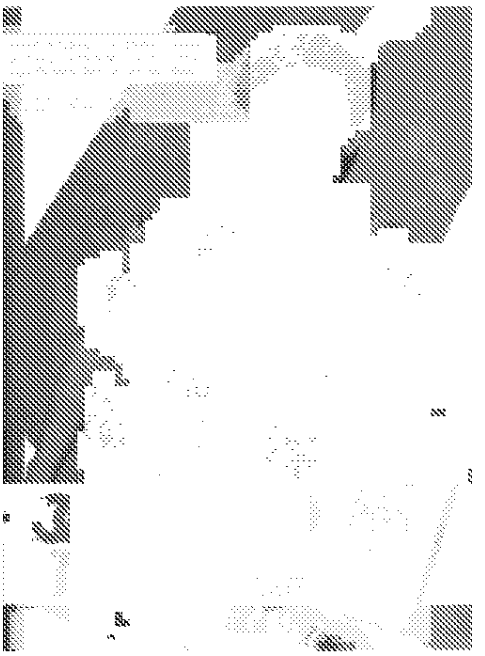

Sports Illustrated, **1988**
(ADV0240621-0623, U.S. Exhibit 8,518)

Sports Illustrated, **1989**
(ADV0241101-1103, U.S. Exhibit 8,664)

3. ***Being Part of a Young, Cool In-Group***

Q: You testified that Brown & Williamson associates Kool with membership in a young, cool in-group. Can you explain further?

A: Peer acceptance among adolescents depends on seeming to be someone who is "into" the latest trends and fashions—in clothes, in music, and in lifestyle activities. If Brown & Williamson can make the Kool brand a part of this "scene," it will motivate many adolescents to smoke the brand as a way of gaining acceptance among their peers.

Q: How does Brown & Williamson convey that Kool smokers are members of a young, cool in-group?

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A: Most of the advertisements I just showed indicate that the Kool smoker is a young and attractive person. Another example is this advertisement from a 1975 issue of *Cosmopolitan*. It shows a handsome fellow admiring a young woman who is smoking Kool.

***Cosmopolitan*, 1975** (ADV0281021-1023, U.S. Exhibit 10,443)

Q: Did Brown & Williamson internal documents discuss whether Kool advertisements effectively communicated that the Kool smoker is a member of a young, cool in-group?

A: Yes. An August 1983 study, "Movie Intercept Study Kool Cigarette Commercial Analysis," prepared for Brown & Williamson by Burke Marketing Research, evaluated advertising in movie theaters. The study concluded, "The 'Playing It Kool' commercial does not successfully convey a youthful image of or generate self-association with the Kool cigarette brand." 676101765-1824 at 1776 (U.S. Exhibit 69,124).

Q: What does this document demonstrate?

A: This document demonstrates that Brown & Williamson had difficulty in the 1980s in conveying the image of the Kool smoker as a young, "in" person.

Q: Did other documents contain similar findings?

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A: In a March 6, 1985 Brown & Williamson memorandum from A.G. Forsythe, a Brown & Williamson Brand Assistant, to R.D. Sharp, a Brown & Williamson Group Product Director, entitled "Kool 1985/1986 Issues," Forsythe discussed the problem that Kool "has lost its 'in-brand' status and needs to take different measures to re-establish itself within the culture." Forsythe noted, "Marlboro and Newport are growing because they are 'in-brands' for young adult target audiences. They have peer group acceptance and high perceived popularity." Brown & Williamson identified the perceived age of Kool smokers as one of the reasons for this problem:

> Newport has maintained creative consistency since the early 70's. The Newport campaign has been tightly targeted to young adults. During this time, Kool either had no user image campaigns or was depicting older models.

554000052-0060 at 0052-0053 (U.S. Exhibit 20,937).

Q: What does this document demonstrate?

A: It shows that Brown & Williamson was striving to have the Kool brand perceived as the "in" brand in peer groups so that members of those groups would purchase Kool. It shows, however, that, at this point, Brown & Williamson was not successful at doing so. Rather, Lorillard's Newport campaign and the Philip Morris Marlboro campaign were more successful in conveying the image that smoking those brands would garner peer acceptance.

Q: What is the significance of the discussion of age to Kool's success among adolescents?

A: Social success among adolescents depends upon their appearing to others to be "up with" or "into" the latest trends and fashions. The perception that mostly older people wear a fashion or engage in an activity or lifestyle behavior makes it unpopular among young

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people; thus, a young person who adopts it risks ridicule of his peers. If adolescents perceive that only "old people" smoke Kool, they will not expect to gain popularity and social acceptance by smoking that brand. Therefore, it was vital to its market success that Brown & Williamson change the age perception of Kool. For example, a September 1984 "Kool Advertising Tracking Study" of Brown & Williamson's then-current campaign cited as a potential problem, "Decline in 'appeal primarily to young' across all groups." 673002075-2082 at 2076 (U.S. Exhibit 69,096).

4. Use of Music to Appeal to Adolescents

Q: Does Brown & Williamson use music in marketing Kool?

A: Brown & Williamson uses music as a device to associate the Kool brand with the three types of images that Brown & Williamson uses to market the Kool brand—namely, masculinity, excitement and fun, and membership in a cool in-group.

Q: How does use of music in the marketing of Kool make the brand appealing to adolescents?

A: By associating the brand with popular music, Brown & Williamson enhances the appeal of the brand in several ways. First, to the extent that the music appears to be "in" or "cool," it associates Kool with these images and thereby enhances the image of Kool and Kool smokers as "in" or "cool." Second, to the extent that the musicians associated with Kool appear as hip or "cool," it further strengthens these images for Kool and Kool smokers. Third, to the extent that the music is attractive to adolescents, their pursuit of the music puts them into contact with further images of the Kool brand and its smokers.

Q: How does Brown & Williamson use music to associate the Kool brand with these themes?

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Support provided by the Industry Documents Library: www.industrydocuments.ucsf.edu/docs/tgjl0001

A: In the company's most recent advertising campaigns, Brown & Williamson's music-related marketing effectively conveys to adolescents that admired young African-American musicians smoke Kool and that, by smoking Kool, the adolescent can achieve a sense of being like these admired musicians.

Q: Are there internal Brown & Williamson documents that discuss its use of music for this purpose?

A: Yes. Demonstrative 15 lists several documents concerning Brown & Williamson's use of music to market Kool, both in older and more recent campaigns.

Q: Can you provide an example?

A: Yes. An October 10, 1979 memorandum entitled "Final Report Kool Jazz Festival Promotion Study and In-event Study" from S.A. Kightlinger to F.E. McKeown, Brown & Williamson Group Product Manager reported that blacks who attended the Kool Jazz Festival were younger than average. Brown & Williamson concluded that the festival was "a viable promotional tool." 665070450-0461 at 4064, 0450 (U.S. Exhibit 69,065).

Q: Do other Brown & Williamson documents showBrown & Williamson's association of Kool with music?

A: Yes. A 1981 study entitled "Final Report Kool Campaign Qualitative Evaluation" prepared for Brown & Williamson by Kapuler & Associate Marketing Research shows that Brown & Williamson understands the value of music for making Kool appealing to a younger target audience:

> It appears that the younger the respondent, the more importance he attaches to the fact that the music is contemporary. Some people also use music to feel part of a special group. This is primarily done by younger people who tend to be more influenced by their peers than older people . . . . Based on this research, it appears that the use of music in advertising was very effective. It is doubtful whether any subject other than music

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could have elicited such rich imagery from people who were not in any way extraordinary.

665000008-0091 at 0039, 0040, 0042 (U.S. Exhibit 69,036).

Brown & Williamson's "1985 Strategic Marketing Plan" stated:

> Group Identification—Music helps people feel part of a group and can symbolize their status and important lifestyle values. This is particularly important among young adults who have few possessions to communicate their status. A recurring theme … is the perception of the musicians depicted as 'cool'. This is defined in the research as laid-back, self-assured, individualistic, and in control.

673002083-2170 at 2167 (U.S. Exhibit 69,097) (emphasis in original).

Q: What do these documents demonstrate?

A: They show the value to Brown & Williamson of associating music with the Kool brand. By such association, Brown & Williamson communicates that smoking Kool can make someone a member of a cool in-group. Brown & Williamson understands that music is especially important to young people and that musical tastes are important for appearing as "cool" and self-assured, for achieving status with one's peers, and for being part of a group. Associating the Kool brand with music that has the potential to imbue the brand with these same images will make the brand more appealing to adolescents.

Q: Can you provide another example?

A: Yes, other documents show that associating music with Kool fosters the image of Kool smokers as living an exciting life. For example, Brown & Williamson's "1985 Strategic Marketing Plan" stated, under the heading "Kool Music Property,"

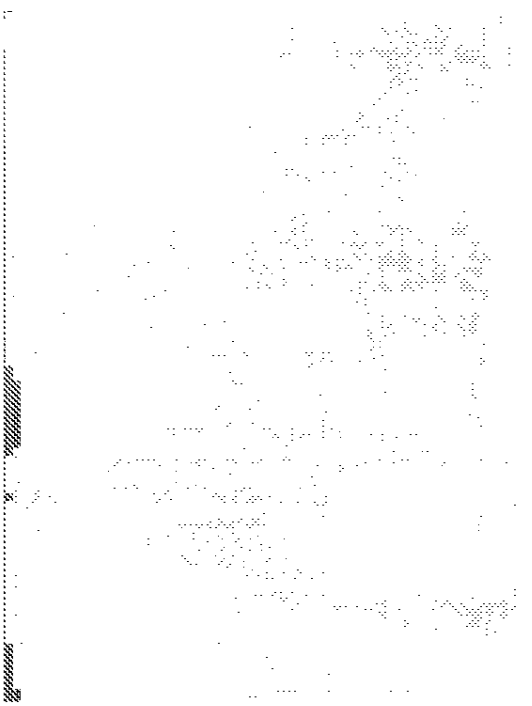
> The Essences of the KOOL Property—A Strong desire to be in the places envisioned, hear the action, and see the scene in which it is taking place. A feeling or mood of pleasure, relaxation, or excitement depending on the one's [sic] need at the time.

673002083-2170 at 2168 (U.S. Exhibit 69,097).

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Available from www.industrydocuments.ucsf.edu/docs/tgjl0001

Q: Can you provide examples of Kool advertisements that used musical themes?

A: Yes. These two advertisements from 1984 pair Kool with "hot music."



***Sports Illustrated*, 1984** (ADV0220758-0760, U.S. Exhibit 7,767)

***Sports Illustrated* 1984** (ADV0220620-0622, U.S. Exhibit 7,721)

5. The B Kool Campaign

Q: Which recent Kool marketing campaigns did you review?

A: I reviewed the B Kool, House of Menthol, and Kool Mixx campaigns.

Q: How did the B Kool campaign originate?

A: It was a product of Project Look, which was a Brown & Williamson project to revitalize the image of Kool that arose out of Brown & Williamson's need to increase the number of young people who smoked Kool. The purpose of Project Look was to find ways to improve the image of Kool smokers on attributes involving youthfulness and membership in an in-group. Nick Wilkerson, Director of Market Strategy & Development in 1997, described Brown & Williamson's motivation in a videotaped presentation: "[O]ur share

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of 21 to 25 year olds is less than one percent versus about the three and half share we have in the total market . . . . We just don't get new smokers." (U.S. Exhibit 87,811). In addition to noting Kool's low market share among 21 to 25 year-olds, Mr. Wilkerson said that Kool got low ratings on images of "being a leading brand," "being a brand that has kept up with the times," and "a brand that is for young adults." (U.S. Exhibit 87,811).

Q: What resulted from Project Look?

A: One thing that resulted was the B Kool Campaign. This campaign began in 1997 for the express purpose of altering the perception that Kool was not for the young in-group. As Nick Wilkerson said in his videotaped presentation, the company was trying to make Kool "[A] brand for young adult smokers again." (U.S. Exhibit 87,811).

Q: What was Brown & Williamson's objective for the B Kool campaign?

A: Sharon Smith, Director of Creative Services, in discussing the creative work involved in the B Kool campaign, stated that the objective of the B Kool campaign was to communicate the image of the user, not of the product. The campaign attempts to "Depict scenes the target can identify with and is relevant to their lifestyle." The object was to elicit reactions such as "That's supposed to be me with the KOOL pack in my hand." (U.S. Exhibit 87,811).

Q: Can you explain Sharon Smith's statement that the objective of the B Kool advertising was to "communicate the image of the user, not the image of the product?"

A: As many of the documents from each tobacco company demonstrate, the image of the smoker of a brand is pivotal in motivating people to smoke that brand. Each brand has a set of distinctive image attributes that determines to whom it appeals and to what extent it

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is appealing. As documents I testified about earlier show, Brown & Williamson had discovered that the image of the Kool smoker was one of being older and not "in." Sharon Smith was indicating that Brown & Williamson had developed the B Kool campaign to change its target's perception of the Kool smoker because it was that perception of Kool smokers—more than the cigarette itself—that would determine whether younger people would be motivated to buy the brand.

Q: Could you provide examples of advertisements that were part of the B Kool campaign?

A: Yes. I have three examples of advertisements that were part of the B Kool campaign.

The first advertisement appeared in *Vibe,* a magazine focused on urban music and culture. It shows a young man with a tattoo on his wrist holding a Kool pack while a very attractive young woman looks longingly at him.

***Vibe*, 1998** (ADV0370111-0113, U.S. Exhibit 10,880)

The second one appeared in *Hot Rod.* It suggests that, if you smoke Kool, you can interest even a very attractive woman who already is with a handsome guy in a sports car.

The third advertisement was in *Entertainment Weekly* in 1999. It also shows attractive women who—despite appearing to be with other men—are obviously intrigued with the man holding the pack of Kool cigarettes.

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Hot Rod, 1999 (ADV0840261-0263, U.S. Exhibit 14,557)

Entertainment Weekly, 1999 (ADV0680159-0161, U.S. Exhibit 13,277)

These advertisements and the B Kool campaign in general effectively associate smoking Kool with each of the three attributes that I testified about earlier: masculinity, excitement and fun, and being a member of a young in-group.

Q: What do these B Kool advertisements communicate to adolescents about the B Kool smoker?

A: All three advertisements convey that young men who smoke Kool are very attractive to beautiful women. The first and third advertisements communicate that the Kool smoker is a popular member of an in-group of stylish young people found in fun places.

The advertisements communicate that the types of women who are "in" and attractive like guys who smoke Kool. With this message, these advertisements tell young women who are striving for popularity that being involved with men who smoke Kool will help them become part of the "in" scene. It also tells young men that smoking Kool

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will lead to them being admired by attractive young women. Similarity is one of the fundamental factors influencing people's liking for each other. For this reason, a young woman who concluded that desirable young men smoked Kool would do well to smoke Kool herself, since doing so would make her more appealing to young men who smoked the brand. Young men also reap a benefit from women seeing such advertising. To the extent that these advertisements convince young women that young men who smoke Kool are attractive, the guy who smokes Kool benefits from that advertising-conditioned perception.

Q: Are there other ways that Brown & Williamson's B Kool campaign associated smoking Kool with masculinity, excitement, and fun, and being a member of a young in-group?

A: Yes. By placing the B Kool advertisements in certain magazines, Brown & Williamson further enhanced the image of the Kool smoker.

For example, the advertisement to the right, showing an attractive woman from a male point of view, appeared in *Motorcyclist*. This advertisement, shot from a

***Motorcyclist*, 1998** (ADV0780010-0012, U.S. Exhibit 14,170)

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male point of view, in conjunction with the context of the magazine *Motorcyclist*, communicates that a Kool smoker is into masculine and exciting pursuits.

Q: In what other magazines did B Kool advertisements appear?

A: B Kool advertisements appeared in magazines that feature popular people. When B Kool advertisements showing attractive young people appear in such magazines, Brown & Williamson further dimensionalizes the image of the Kool smoker as a member of a young, cool in-group. For example, when Brown & Williamson places B Kool advertisements in women's magazines featuring popular female celebrities, it associates smoking Kool with images of sexy, self-confident, and attractive women.

The advertisement depicted on the following page appeared in a 2000 edition of *Allure*. Common topics in *Allure* are beauty and fashion. Adolescent girls who are anxious to be popular and attractive will read this magazine for cues about what will make them attractive. The Kool advertisement picturing an attractive young woman is one of those cues.

Q: What, if anything, does the B Kool tagline in the advertisements communicate to adolescents?

A: The B Kool tagline communicates that by smoking Kool, you can *be cool*—an attribute that many adolescents are eager to have.

Q: Have you reviewed documents and other materials discussing whether the B Kool campaign was effective?

A: Yes, the documents and other materials indicated that the B Kool campaign was effective in improving the image of the Kool smoker as young and socially successful.

Q: Can you provide an example?

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***Allure*, 2000** (ADV0810204-0206; U.S. Exhibit 14,335)

A: Yes. In his video presentation, Nick Wilkerson summarized research showing that the B Kool campaign conveyed that people who smoke Kool have a number of attributes: "masculine, strong, independence, confidence, relevance, 'cool' attitude." He showed that Kool's image was changing for the better on "Smokers in their 20's," "for someone like me," and "is closing the gap with Newport in terms of image." (U.S. Exhibit 87,811).

Q: How is this relevant to your conclusion?

A: The B Kool campaign was successful in associating images of masculinity and membership in a younger, cool in-group with the Kool brand. This image makeover would make the brand more appealing to adolescents, since, as I have testified, adolescents are highly motivated to achieve these outcomes.

Q: Did other documents inform your conclusions?

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A: Yes. In a video presentation, Sharon Smith reported that Brown & Williamson had succeeded in meeting its objectives: "User image communicated by the B Kool campaign is of an independent, self-confident, young adult male (21-30)." (U.S. Exhibit 87,811).

Adolescent males are highly desirous to appear as independent, self-confident young adults. With the B Kool campaign, Brown & Williamson communicated that, by smoking Kool, young men could achieve such status. Another Kool document supports my conclusion. 210431300-1317 at 1303, 1308-1309 (U.S. Exhibit 67,715) (Category 1).

Q: What does this document demonstrate?

A: It shows the success of the B Kool campaign in communicating an image of the Kool smoker that is highly appealing to adolescent males. It also shows that Brown & Williamson was sensitive not to associate the brand with anything older, dated, or upscale.

Q: Can you describe another document discussing the effectiveness of the B Kool campaign?

A: Yes. A November 1997 report entitled "Perceptions of Kool in the Milwaukee Test Market Round II," prepared for Brown & Williamson by Goldfarb Consultants, reported on perceptions of Kool in Milwaukee, where Brown & Williamson was evaluating its new B Kool campaign. Among the reactions to the B Kool advertisements were: "He's cool" and "He's going to get the girl." The Kool smoker will "get the chicks" and has "more style." 462110343-0376 at 0358 (U.S. Exhibit 22,490).

Q: What does this document demonstrate?

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A: Brown & Williamson was very successful in telling a story; namely, if you smoke Kool you will "get the girl." This is a story that makes the brand appealing for many adolescents.

Q: Are there other documents discussing the effectiveness of the B Kool campaign?

A: According to a report to Brown & Williamson from Bates USA, the B Kool campaign did increase awareness of Kool advertisements and improve the image of Kool. Those who were aware of the campaign gave higher ratings of the brand on "kept up with the times," "younger adult," "sophisticated person," "keeps up with latest trends," and "popular person." However, these improvements were not associated with an increase in market share among those under 30 years of age. The report said that what appeared to be lacking was "excitement, 'edge,' attitude." 309031048-1071 at 1051, 1054 (U.S. Exhibit 22,660).

Q: Are there documents from other companies that discuss the impact of the B Kool campaign on young people?

A: Yes. A memorandum on Leo Burnett letterhead describes the results of three focus groups done by Philip Morris Research in New York City among YAMS 21- to 29-years-old. It stated, "YAMS understood this campaign to be about sex and seduction. *'It's about a girl with her boyfriend checking out the Kool guy. The bad boy attracts the opposite sex.*'" LB0068733-8762 at 8736 (U.S. Exhibit 58,932) (emphasis in original).

Q: What does this document demonstrate?

A: That the B Kool campaign was successful in improving the image of Kool.

Q: Besides creating the B Kool campaign, did Brown & Williamson take other steps to improve the image of Kool?

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A: Yes. Brown & Williamson associated Kool with Indy Car racing. Brown & Williamson intended Kool sponsorship of Indy Car racing to improve the image of Kool by associating the brand with the excitement of auto racing. In a videotaped presentation on Kool's sponsorship of Indy Car racing, Burt Cramer, the Manager of Sponsorship for Brown & Williamson, said that the Indy Car program's design was "to change the existing Kool negative perceptions as being too old, not popular, and not keeping up with the times." He indicated that Indy Car sponsorship was beneficial because the audience was large, young, and had a high proportion of smokers. A population with a high proportion of young people is one that will have many who are likely to begin smoking. (U.S. Exhibit 87,817)

On the following page is an advertisement from a 1997 issue of *Rolling Stone* featuring auto racing.

Q: Why was the association with Indy Car racing valuable to Brown & Williamson?

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***Rolling Stone*, 1997** (ADV0090514-0516; U.S. Exhibit 2,320)

A: Brown & Williamson understood that associating Kool with Indy Car racing would influence the image of the Kool brand and Kool smokers. An evaluation of the effect of Brown & Williamson's Indy Car Sponsorship for the Kool brand around 1998 reported:

> [C]ar racing in general and open wheel racing in particular are associated with imagery attributes of masculinity, modernity, popularity and quality. This is based on quantitative research conducted in Canada and qualitative research undertaken in the U.S.

176104267-4277 at 4267 (U.S. Exhibit 35,020).

By associating the Kool brand with Indy car racing, Brown & Williamson made it more appealing to adolescents who were interested in appearing more masculine, modern, or popular.

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6. *The House of Menthol Campaign*

Q: Has Brown & Williamson conducted any marketing campaigns for Kool since the B Kool campaign?

A: Yes. In 2000, it switched from the B Kool campaign to the House of Menthol campaign.

Q: What themes and images does Brown & Williamson associate with Kool through these advertisements from the House of Menthol campaign?

A: Here Brown & Williamson associates Kool with music popular among adolescents.

Q: With what type of music is the House of Menthol associated?

A: The House of Menthol advertisements associated Kool with "House" music. For example, in the second House of Menthol advertisement below, the slogans include "The Ultimate Mix," "Step into the House," and "Grandmaster Menthol." The terms in these slogans come from currently popular urban music.

Q: What is "House" music?

A: According to *The American Heritage® Dictionary of the English Language, Fourth Edition,* the term "house music" refers to a "style of disco music with a heavy bass beat, initially popularized in underground all-night parties held in abandoned warehouses."

Q: What is a grandmaster?

A: A grandmaster is a very skilled and popular DJ who provides the music in the "house." http://www.wordiq.com/definition/Grandmaster_Flash However, the DJ does not simply play prerecorded music. Rather, the DJ mixes music using two turntables simultaneously, and by "scratching," that is, the DJ moves "a vinyl record back and forth [by] hand while it is playing on a turntable, creating a distinctive sound that has come to be an almost universally recognized aspect of hip hop music." http://www.wordiq.com/

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Support provided by the Industry Documents Library: www.industrydocuments.ucsf.edu/docs/tgjl0001

definition/scratching Out of this scene, the head-to-head competitions of rappers developed. http://www.wordiq.com/definition/Grandmaster_Flash

Q: Can you explain the slogans "The Ultimate Mix" and "Grandmaster Menthol" used by Brown & Williamson in the House of Menthol campaign?

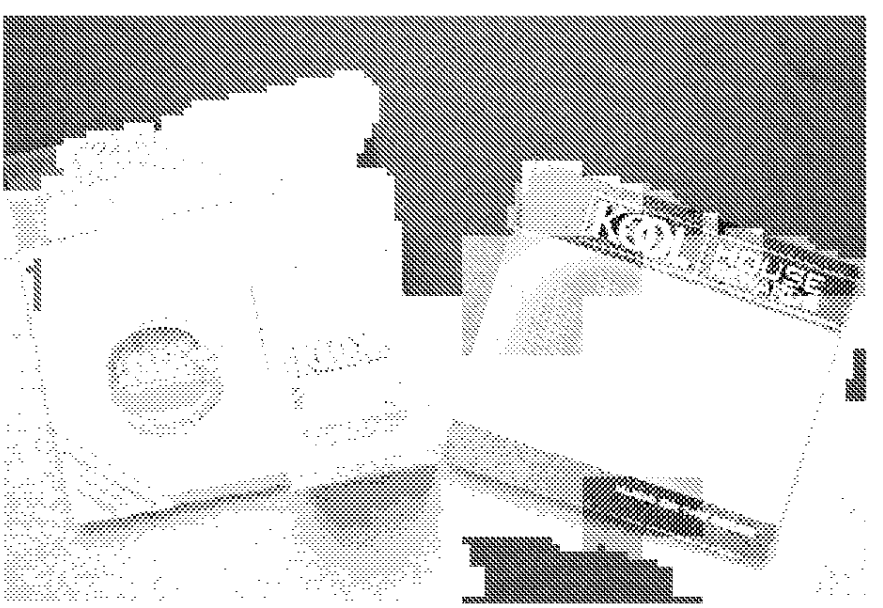
A: The "Ultimate Mix" could be a good blend of tobaccos but it is also good music played by a grandmaster. "Grandmaster Menthol" associates Kool with the best DJs in the most popular urban scene music.

Q: Can you explain the slogan "Step into the House" shown in the second advertisement below?

A: "Step into the House" equates smoking Kool with stepping into the latest in urban music.

Q: Did the House of Menthol campaign make use of any promotions?

A: Yes. The House of Menthol campaign offered a free CD opener with the purchase of a pack of Kool. A CD opener (shown below) would appeal to many adolescents.



CD opener and catalogue from Kool available for purchase in gas station/convenience stores. Atlanta, GA, March 2001. © 2004 Campaign for Tobacco-Free Kids. All rights reserved. Site by NetCampaign.

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Substantially similar to www.industrydocuments.ucsf.edu/docs/tgjl0001

Q: Can you provide some examples of advertisements that were part of the House of Menthol campaign?

A: Yes. Below are two magazine advertisements from this campaign.

***ESPN*, 2002** (ADV0830337-0339, U.S. Exhibit 14,468)

***People*, 2003** (ADV0480887-0889, U.S. Exhibit 11,850)

Q: Are there other ways that Brown & Williamson's House of Menthol campaign associated Kool with music?

A: Yes. Some of the magazines in which the House of Menthol campaign appeared also associated Kool with music. For example, the advertisement on the following page comes from a 2000 edition of *Spin*, a popular music magazine. By placing its advertisement featuring musical terms and images in this popular music magazine, Brown & Williamson further associates Kool with popular music.

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***SPIN*, 2000** (ADV0500546-0548; U.S. Exhibit 12,248)

Q: Do Brown & Williamson internal documents describe the House of Menthol campaign?

A: Yes. By fusing the Kool brand with these images of the hip urban music scene, Brown & Williamson makes the brand more appealing to adolescents for whom this musical genre is a key defining characteristic of their culture.

In a 2000 report entitled "Kool: The Road to Menthol Authority," Brown & Williamson describes the creative action plan for this campaign. The document begins with a rhapsodic description of the Kool Brand Essence: "Urban Fusion is the energy of the present and the power that creates the future. It is pure vitality. . . Urban Fusion is full of exhilaration, freedom and release." The goal of the House of Menthol campaign was to "Reclaim Kool's rightful place in the category as the Menthol Authority." Under the heading "Research Findings," Brown & Williamson indicated that House of Menthol has three pluses: "Most contemporary, 'hip', urban and ASU26; Kool portrayed as keeping up with times; Communicates that Kool invented category." In contrast, the B

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Kool campaign "lacks energy, excitement...gives campaign old, outdated feel." 250170002-0092 at 0025, 0037, 0043 (JD-012836; U. S. Exhibit 89,202).

Q: Did Brown & Williamson respond to this research?

A: Yes. Based on the research, the House of Menthol campaign evolved further. This same report noted, "Continue pushing graphic variety, and move beyond music and club scene as central theme." Brown & Williamson tested the revisions in focus groups in New York and found: "[T]he revised work appears even stronger than original in communicating: That Kool is a 'hip', contemporary brand with urban credibility—unexpected graphic variety." The report concluded:

> If urban fusion means hip, urban, energetic, risk-taking, a gender-neutral brand with a masculine attitude/value, and absolutely of the moment, then The House of Menthol is Urban Fusion.

250170002-0092 at 0044, 0045, 0047 (JD-012836; U. S. Exhibit 89,202).

Q: Does this Brown & Williamson document address any other element of the Kool brand?

A: Yes. The report discusses a problem with the Kool pack:

> The Kool Waterfall pack is universally rejected in the context of the updated, energetic and 'right here/right now' image. –The pack makes the most important statement about the smoker, and the waterfall pack makes the wrong statement for ASU 26 smokers.

250170002-0092 at 0082 (JD-012836; U. S. Exhibit 89,202).

Q: Did Brown & Williamson alter the Kool pack?

A: Yes they did. As the advertisement above from the 2003 *People* magazine and the one on this page show, Brown & Williamson removed the waterfall from the pack and replaced it with graphics with a more "right here/right now" image."

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***Cosmopolitan*, 2002** (ADV0490690-0692, U.S. Exhibit 12,077)

7. *The Kool Mixx Campaign*

Q: After the House of Menthol campaign, did Brown & Williamson have any other campaigns that associated the Kool brand with music that is popular with adolescents?

A: Yes. In fact, Brown & Williamson's use of music to promote Kool cigarettes to adolescents continued and intensified with the introduction of its Kool Mixx campaign. The campaign features popular hip-hop artists, not only in live events around the country, but in a promotional CD-ROM and on the packs of cigarettes themselves.

Q: What is "hip-hop?"

A: According to rapnewsdirect.com, hip-hop is "an American cultural movement composed of four main parts: break dancing and graffiti art along with two more well-known

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aspects known as hip-hop music; they are rapping (emceeing) and DJ-ing." Rap is "the act of saying rhymes to the actual beat of music." This website says: "Hip-hop, without a doubt, is the rock-and-roll music of this generation."

http://www.rapnewsdirect.com/News/2004/07/03/HH.Rap.Defined/

Q: How does the association of Kool with hip-hop appeal to youth?

A: Brown & Williamson could not have chosen a musical style that more effectively influences teenagers. According to Peter Zollo of Teenager Research Unlimited (TRU; Zollo, 2004), hip-hop or rap is currently the most popular music among adolescents. TRU measures the popularity of celebrities through its systematic, nationwide survey of teens. Seventy percent of boys and 79% of girls said that rap was "in." Zollo continues, "teens eagerly mimic the styles they see on their favorite musical performers and on MTV (whether they admit it or not!)." Zollo reported: "Fully half of the performers in the most-recent TRU Score Top-10 [their measure of celebrity popularity] are rap and hip-hop stars." Making Kool the cigarette of the hip-hop generation has enormous potential for influencing adolescents to smoke.

Q: Can you provide some examples of marketing from the Kool Mixx campaign?

A: Yes. The point-of-sale display show on the following page shows the way in which the packs feature DJs.

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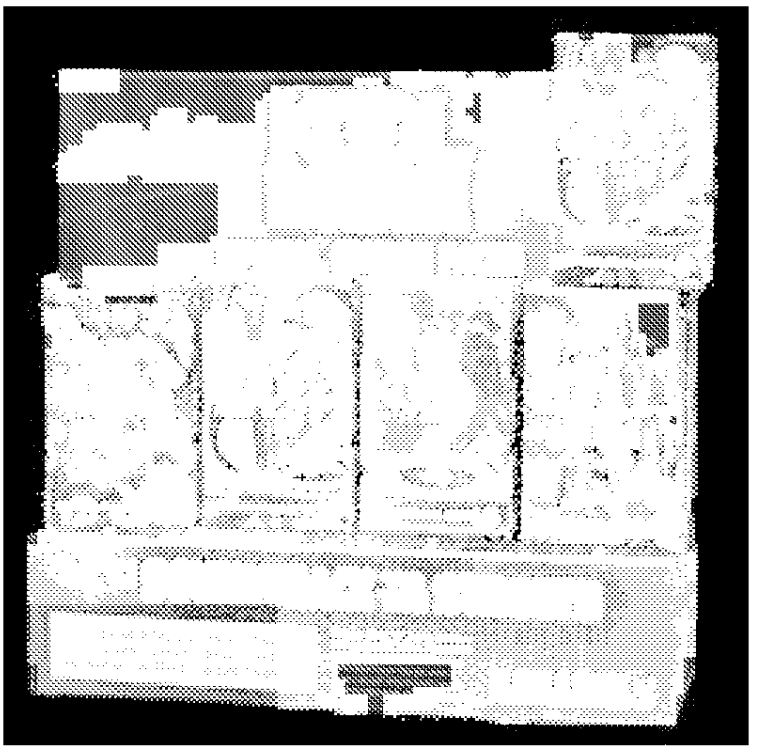

http://www.tinketsandtrash.org/featured/koolcampaign.htm

Q: In addition to the content of the Kool Mixx marketing pieces, are there other ways Brown & Williamson associated the Kool Mixx campaign with hip-hop music?

A: Yes. In April 2004, Brown & Williamson distributed a CD-ROM in *Rolling Stone* magazine it sent to subscribers, as part of the campaign. The advertisement containing the CD-ROM is on the following page. The smaller pieces of this advertisement contained the CD-ROM itself.

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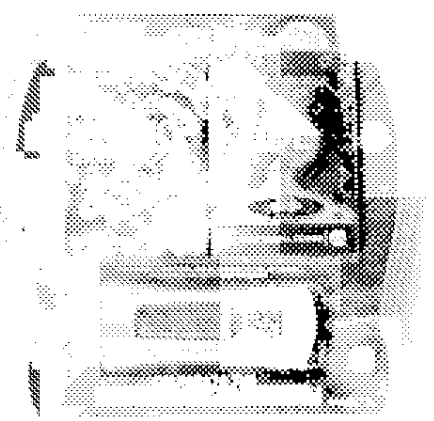

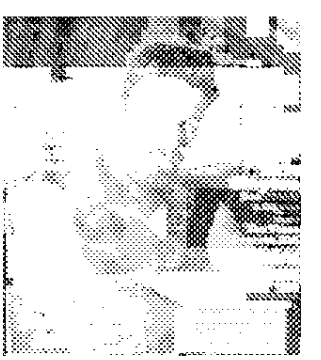

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The CD-ROM has lots of material about the hip-hop or rap music scene. It includes profiles and interviews with four popular DJs, four popular MCs, four break dancers, and four underground artists. For example, DJ Cutmaster Swiff "DJs for the chart busting multi-platinum group OutKast." DJ Babu's biography states: "Internationally acclaimed DJ of the world famous Beat Junkies and of the Hip Hop group Dilated Peoples and DJ legend in his own right, Babu created one of the world's first break records entitled 'Super Duck Breaks' and is one of the most documented DJs in the world." A dancer, or "b-girl, Vendetta, is "The youngest member of the Burn Unit but by no means the weakest. . . . Vendetta has been breaking since 1999." (U.S. Exhibit 88,094).

Q: Does this CD-ROM contribute to making Kool more appealing to adolescents?

A: Yes. Adolescents who are interested in this music will be interested in the CD-ROM. In the process of "surfing" it, they will be in contact with lots of images of popular, cool people whom they admire. Viewing this CD-ROM will effectively associate all of the exciting themes and images of this music scene with the Kool brand.

Q: In summary, what do you conclude about Brown & Williamson's association of the Kool brand with images of masculinity, excitement and fun, and membership in a young, cool, in-group?

A: Through its advertising and its association with popular music and Indy car racing, Brown & Williamson has effectively communicated that the Kool smoker is an attractive, self-confident young man who leads an exciting life and is a member of the most popular social group. This image of the Kool smoker is one that is very appealing to many male

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adolescents. The Brown & Williamson documents I reviewed make it clear that the company understands the importance to its profits of motivating adolescents to smoke the Kool brand and that communicating this image of the Kool smoker makes it motivating to adolescents to smoke the brand.

B. Carlton

Q: Have you examined the advertisements of any other Brown & Williamson brands?

A: Yes. I have looked at a sample of magazine advertisements for the Carlton brand.

Q: Is Carlton popular with adolescents?

A. A study in *Morbidity & Mortality Weekly Report*, a publication of the Centers for Disease Control and Prevention, presented evidence from 1993 on the market share of various brands among 12- to 18-year-olds in the United States. Carlton was not among the seven brands listed as having 0.3% or more of the market in this age group. MMWR, 1994 (U.S. Exhibit 63,106).

Q: Does Brown & Williamson use themes or imagery in marketing Carlton that would appeal to youth?

A: Seldom, if ever.

Q: Can you show us examples of Carlton advertisements?

A: Yes. As you can see from the following advertisements, only one even includes a person. These advertisements say that Carlton is a low tar cigarette; none of them associates smoking Carlton with adolescent themes, such as masculinity, independence, popularity, rebellion, or sex appeal. Although there is a woman shown in one advertisement, the quotation indicates she is thinking about smoking a low tar cigarette to reduce her health

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risks. This is hardly an exciting or risky proposition that would appeal to adolescents, who, as I have testified, are highly attracted to themes of risk taking and excitement.

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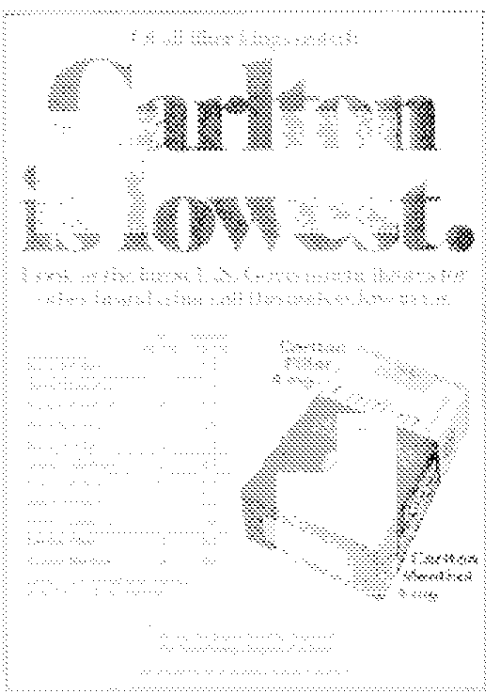
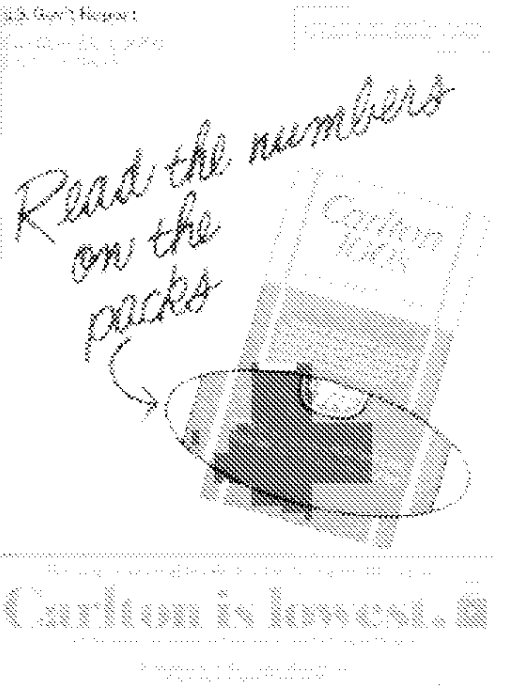
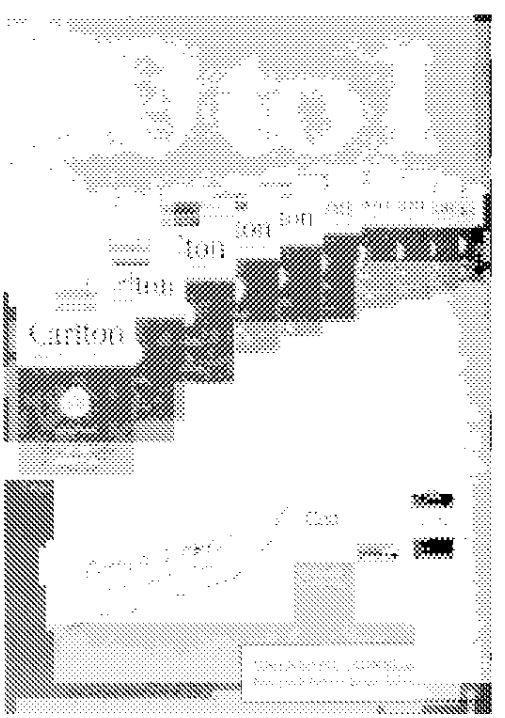


***Sports Illustrated*, 1975**
(ADV01503700372, U.S. Exhibit 4,605)



***Sports Illustrated*, 1983**
(ADV02203680370, U.S. Exhibit 7,637)



***Sports Illustrated*, 1992**
(ADV02511741176, U.S. Exhibit 9,122)

***Life*, 2002** (ADV03200110013, U.S. Exhibit 10,678)

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VI. R.J. Reynolds

Q: Did you review R.J. Reynolds' marketing materials?

A: Yes. I examined R.J. Reynolds marketing planning and marketing research documents—including documents specific to the Camel, Winston, and Salem brands—and depositions of R.J. Reynolds executives.

Q: What, if any, conclusions have you drawn?

A: I have drawn three conclusions. First, R.J. Reynolds understands the need to influence adolescents to begin smoking its brands in order to build and maintain its market. Second, it understands the themes and images likely to motivate teenagers to smoke its brands. Third, it has effectively incorporated such themes and images into marketing of Camel, Winston, and Salem brands and has thereby communicated to adolescents through marketing that smoking these brands will satisfy certain adolescent needs.

A. *Images that Appeal to Adolescents*

Q: Please explain your first conclusion.

A: R.J. Reynolds understands that the market share of its major brands—Camel, Winston, and Salem—depends on the number of adolescents that begin smoking them. R.J. Reynolds has collected data on the market share of its brands among teenagers. More recently, R.J. Reynolds has continued to track its market share among 18- to 21-year-olds or 18- to 24-year-olds and has used data from those age 18 or older to make inferences about those under 18. R.J. Reynolds understands that most smokers begin smoking before the age of 18, that adolescent smokers are brand loyal, and that, as a result, R.J. Reynolds' market share will erode if it does not influence adolescents under the age of 18

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to choose its brands. Finally, R.J. Reynolds has long pursued the goal of influencing adolescents to choose its brands.

Q: Dr. Biglan, have you created a demonstrative to illustrate your conclusions?

A: Yes, I created Demonstrative 16 that lists documents that involve R.J. Reynolds' understanding of the need to market to adolescents and Demonstrative 17 that lists those that concern R.J. Reynolds' understanding of themes and images likely to motivate teenagers to smoke its brands.

Q: Can you provide some examples of documents that support your conclusion that R.J. Reynolds has collected data on teenagers?

A: Yes. A document dated April 7, 1971 summarizes decisions made during a meeting between representatives of the R.J. Reynolds Marketing Research Department and the William Esty Company regarding the organization of data for the upcoming National Family Opinion Tobacco Products Survey. The age breaks given for the questionnaire are 14-15, 16-17, and 18-20. Although it is stated that the lower age limit for the profile of young smokers is to remain at 14, the minutes state, "cards are to be punched" for respondents aged 13 and younger "to provide a count, by year, of the very young smokers." 500347108-7111 at 7108 (U.S. Exhibit 20,628).

Tim Key, a R.J. Reynolds Marketing Research employee, wrote an August 12, 1976 memorandum to T.L. Ogburn entitled "Share of Smokers by Age Group" that stated:

> Winston King's share among this 14-17 year age group is off two points for the second year in a row. . . . From a corporate standpoint, Philip Morris posted a 4 point gain among 14-17 year old smokers (RJR and B&W each lost 2 points).

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500234050-4051 at 4050-4051 (U.S. Exhibit 48,071).

Additional documents cited in Demonstrative 16 support my conclusions that R.J. Reynolds tracked the smoking behavior of those under 18.

Q: What is the relevance of these documents?

A: They show that R.J. Reynolds was carefully monitoring its market share in this small slice of the demographic pie.

Q: Do other documents support your conclusion?

A: Yes. A July 3, 1974 memo from Donald Tredennick, Manager of Consumer Research for R.J. Reynolds, to F. Hudnall Christopher, Director of Marketing Research for R.J. Reynolds, on "What causes smokers to select their first brand of cigarette?" stated:

> For legal reasons, we have been unable to directly survey smokers under 18 years of age (as will be shown most smokers begin smoking regularly and select a usual brand at or before the age of 18). Therefore, much of our information is drawn from secondary sources and we have to hypothesize to a considerable extent as to what causes initial brand selection because no comprehensive study we know of has directly addressed this issue.

500574161-4170 at 4161 (U.S. Exhibit 67,921).

A 1990 advertising research proposal from Business Information Center to track awareness of R.J. Reynolds' advertising campaigns indicated that, for Camel, the sample would consist of 250 18 to 20-year-olds and 250 21 to 24-year-olds. 509042462-2469 at 2464 (U.S. Exhibit 68,310).

Q: What is the relevance of these documents?

A: Mr. Tredennick's memo states clearly that R.J. Reynolds is interested in the smoking initiation and brand selection process among those under 18 and must make inferences based on data from secondary sources. One source of data for making such inferences is

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the age group that R.J. Reynolds can "legally" assess that is closest to the 14 to 17 year olds. The other document—and many others that I will cite—show that R.J. Reynolds concentrated on getting information on the 18-to 20-year-old group (which is narrower than the 21-to 24-year-old group).

Anything R.J. Reynolds did to market its brands successfully to 18-20 year olds would also be effective with those under 18. In essence, by tracking smoking habits and advertising awareness of that age group and improving its marketing to them, R.J. Reynolds could improve its performance among those under 18.

Q: Do other documents indicate that R.J. Reynolds believes one can infer behavior of one age group from data on a group close in age to that first group?

A: Yes. A document from February 25, 1991 entitled "A Review of Age Categories Used to Evaluate Camel's Performance" states it is costly to get samples of 18 to 20-year-olds and proposes to analyze data on age categories to see what a wider age range would yield as valid conclusions. That is, it was concerned with whether those over this age category would really differ from the 18-to 20-year-olds in their reactions to products. It stated:

> CAMEL is targeted toward an 18-24 year old male action standard. . . . The cost of obtaining 18-20 year old smokers for product tests is considerably higher than that for obtaining smokers from other age categories. While it has been well established that a smoker's age is related to the smoker's product perceptions, age differences in perceptions may be minimal for contiguous age groups.

509160676-0679 at 0676 (U.S. Exhibit 29,989).

Q: How is this document relevant to your conclusion?

A: It shows that R.J. Reynolds quite reasonably believes there is not much difference in the reactions of 18 to 20-year-olds and those aged 21 to 24. The same logic implies that

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there will not be much difference between the reactions of 18 to 20-year-olds and the reactions of 15 to 17-year olds.

Q: What, if any, documents support your conclusion that R.J. Reynolds understands that most smokers begin smoking before the age of 18?

A: A July 3, 1974 memo from Donald Tredennick that I cited above stated "most smokers begin smoking regularly and select a usual brand at or before the age of 18." In addition, a presentation given to R.J. Reynolds by Young & Rubicam dated July 16, 1990 stated, "Decision to smoke. . . . 66% of all new smokers by age 18." 500574161-4170 at 4161 (U.S. Exhibit 67,921); FTC0024136-4151 at 4138 (U.S. Exhibit 74,367).

Additional documents cited in Demonstrative 16 support my conclusions that R.J. Reynolds understands that most smokers begin smoking before the age of 18.

Q: Does any research confirm that a large proportion of smokers begin before age 18?

A: Yes, public health research indicates that, if anything, R.J. Reynolds underestimates the proportion of smokers who start by age 18. According to a 1994 Surgeon General report on adolescent smoking, 88% of adults aged 30 to 39 reported trying their first cigarette by age 18 (mean 14.5 years). Of those who had ever smoked daily, 71% started by age 18.

The Surgeon General also reported results from four different national surveys on the percent of young people who had tried cigarettes by age 14. The results were 22% (Tobacco Attitudes & Practices Survey), 40% (National Household Survey), 40% (Monitoring the Future,) and 37% (Youth Risk Behavior Survey). The incidence of initiation of daily smoking among 12 to17-year-olds rose from 44 per 1000 in 1965 to 77 per 1000 in 1996, while the incidence of initiation of daily smoking among 18 to 25-year-olds fell from 106.2 per 1000 to 68.4 per 1000.

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A recent estimate from the Teenage Attitudes & Practices Survey indicates that 1,975 people under age 18 become regular smokers every day and that 2,933 people under 21 become regular smokers. Gilpin, Choi, Berry, & Pierce, 1999 (U.S. Exhibit 73,245); Morbidity & Mortality Weekly Report, October 9, 1998 (U.S. Exhibit 21,995); U.S. Department of Health & Human Services, 1994 (U.S. Exhibit 64,693).

Q: What, if any, documents support your conclusion that R.J. Reynolds understands that smokers are brand loyal?

A: An April 13, 1984 document authored by Dick Nordine, R.J. Reynolds Product Design Department, stated, "Attract a smoker at the earliest opportunity and let brand loyalty turn that smoker into a valuable asset." 502033156-3157 at 3157 (U.S. Exhibit 49,017).

A presentation given to R.J. Reynolds by Young & Rubicam dated July 16, 1990 discussed "Fundamental Dynamics":

> Cigarettes most loyal brand category . . . 90% of smokers use only one brand . . . 51% toothpaste . . . 38% soda. Longevity of brand usage . . . 50% of smokers use only three brands in lifetime.

A note attached to the document stated, "Please bring your copy of these notes to the meeting 7/19. They will be collected." FTC0024138-4142 at 4138 (U.S. Exhibit 74,367).

Q: What, if any, documents support your conclusion that R.J. Reynolds understands that its market share will erode if it does not attract starters?

A: A September 30, 1974 R.J. Reynolds document entitled "1975 Marketing Plans Presentation" discussed the strong brand shares of Philip Morris and Brown & Williamson among "young adult smokers, the 14-24 age group." It states, "With strong

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adult franchises and high cigarette brand loyalties, this suggests continued growth for Philip Morris and B&W as their smokers mature."

The document continued:

> Our two major brands, Winston and Salem, show comparative weakness against Marlboro and Kool among these young smokers. . . . This suggests slow market share erosion for us in the years to come unless the situation is corrected.

500746950-6976 at 6951, 6952 (U.S. Exhibit 21,609).

If 66% of smokers begin by age 18, a company that established brand loyalty only among those 18 and over would leave two thirds of the market to its competitors.

An April 8, 1980 memo to Nicholas W. Glover, Vice President of Brand Marketing at R.J. Reynolds, and J.B Stuart, an employee of Marketing Research, stated:

> There are two important sources of growth for a brand family: New, young adult smokers and smokers who switch brand families . . . As older smokers are replaced by smokers who are 18 years of age, those brands which have high acceptability to young adults (Marlboro, Newport) inherently grow.

501232617-2622 at 2618 (U.S. Exhibit 66,323) (emphasis in original).

Although this document does not specify where the "smokers who are 18 years of age" come from, documents I cited above show that R.J. Reynolds knows that the majority of smokers have already started smoking by age 18. Thus, smokers who are 18 years of age will have adopted a brand before they were 18. The only way the company could ensure that most 18-year-old smokers were smoking their brands was if they could influence them to begin smoking the brands before the age of 18.

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A February 29, 1984 strategic research report titled "Younger Adult Smokers: Strategies and Opportunities," written by R.J. Reynolds employee Diane Burrows and sent to G.H. Long, M.L. Orlowsky, and H.J. Lees similarly stated:

> Younger adult smokers have been the critical factor in the growth and decline of every major brand and company over the last 50 years. They will continue to be just as important to brands/companies in the future for two simple reasons: The renewal of the market stems almost entirely from 18-year-old smokers. No more than 5% of smokers start after age 24. The brand loyalty of 18-year-old smokers far outweighs any tendency to switch with age. . . . 'First Brand' strategies appeal to 18-year-old smokers rather than switchers ages 19-24.

518488105-8198 at 8108, 8112 (U.S. Exhibit 52,223) (emphasis in original).

An R.J. Reynolds presentation titled "Market Dynamics" that included 1987 data stated: "Aging is the result of new 18 year old smokers replacing older smokers who quit . . . [Aging] explains about 75% of all movement in SOM [share of market]." 507531192-1258 at 1211, 1212 (U.S. Exhibit 51,219) (emphasis in original)

A document titled "U.S. Cigarette Market in the 90s," dated June 21, 1990 stated, "The majority [of smokers] become regular smokers before age 18, but they are 'new' to our 18+ market at age 18." 507798137-8230 at 8142 (U.S. Exhibit 20,789)

Finally, the July 1990 document I cited above discussed the problem that R.J. Reynolds will have if it does not get its share of the youth market. The document stated "66% of all new smokers [begin] by age 18" and listed as "Implications for 90's": "Preemptive loyalty among 18-24 year olds . . . Critical to long term brand vitality as consumption increases with age . . . Net switching gains are difficult to obtain." FTC0024138-4142 at 4138, 4139 (U.S. Exhibit 74,367)

Q: What do these documents demonstrate?

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A: R.J. Reynolds has long understood that smoking typically begins before age 18, that new smokers are brand loyal, and that, as a result, failure to influence adolescents to begin smoking by smoking one of its brands leads to erosion of its market share.

Q: What, if any, other documents support your conclusion that R.J. Reynolds had a goal of influencing those under 18 to choose R.J. Reynolds' brands?

A: In addition to the documents I have just discussed, others explicitly discuss the goal of influencing those under 18 to smoke.

In February 1973, Claude Teague, Assistant Director of Research at R.J. Reynolds, authored a paper entitled "Research Planning Memorandum on Some Thoughts about New Brands of Cigarettes for the Youth Market." He stated, "we should not in any way influence non-smokers to start smoking; rather we should simply recognize that many or most of the '21 and under' group will inevitably become smokers, and offer them an opportunity to use our brands." Immediately following, Teague stated, "Realistically, if our Company is to survive and prosper, over the long term, we must get our share of the youth market." 502987357-7368 at 7358 (U.S. Exhibit 21,475)

Q: How do you understand this document?

A: Teague stated that R.J. Reynolds should not influence non-smokers to start, but since they will start anyway, it might as well "offer them an opportunity to use our brands." Of course, given that R.J. Reynolds' brands were readily available at their local stores, youth already had an "opportunity" to use them. As the rest of the document shows, Teague's paper focused on how to market brands that will motivate "pre-smokers to try to smoking, learn to smoke and become confirmed smokers." 502987357-7368 at 7358 (U.S. Exhibit 21,475).

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Q: Do other documents support your conclusion?

A: Yes. The September 30, 1974 document "1975 Marketing Plans Presentation" stated, "Thus our strategy becomes clear for our established brands: 1- Direct advertising appeal to the younger smokers." Earlier it referred to "this young adult market, the 14-24 age group." 500746950-6976 at 6953, 6951 (U.S. Exhibit 21,609)

R.J. Reynolds documents after 1980 mention increasing market share among "younger adult smokers" and specify ages 18 to 20, 24, or 34. For example, a document presenting 1985 data entitled "Analysis of the Virile Segment" talks about "A strategy to displace Marlboro as the FUBYAS [First Usual Brand Young Adult Smokers] brand." 507542209-2280 at 2242 (U.S. Exhibit 29,849)

An August 1985 research proposal requested by R.J. Reynolds, "Proposed Development and Evaluation of Young Adult Smoker Panel in one Test Market," stated "RJR Marketing Development management has determined younger adult smokers (viz., 18 to 20+ years of age) to be a key market/positioning target for RJR." 504605615-5626 at 5616 (U.S. Exhibit 68,118).

Additional documents cited in Demonstrative 16 show the intention of R.J. Reynolds to get those under 18 to choose its brands.

Q: How do these documents support your conclusion?

A: The first one stated that R.J. Reynolds was interested in influencing those younger than 18 to smoke its brands explicitly. The second document's focus on a strategy for displacing Marlboro as first usual brand would be ineffectual if it really targeted only those 18 and over. This is because, as R.J. Reynolds knows, the first usual brand is typically established well before age 18. The third one specifies that young adult

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smokers are the key target and, although it states they are 18 to 20, the documents I cited above show that R.J. Reynolds knows if it waited until a smoker was 18, that person would already be a loyal smoker of a competitor's brand. Therefore, if R.J. Reynolds targeted only those 18 and over, its strategy would be unsuccessful.

Q: Dr. Biglan, what was your second conclusion?

A: My second conclusion is that R.J. Reynolds understands the themes and images likely to motivate teenagers to smoke its cigarette brands.

Q: What is the basis for your conclusion?

A: I have reviewed many R.J. Reynolds marketing research and planning documents covering multiple brands or discussing general marketing issues. In that review, I identified a number of needs that R.J. Reynolds understands it can exploit to make its brands appealing. The documents show a clear understanding of the importance of these needs for making R.J. Reynolds' brands attractive to young people. In addition, though more recent documents do not specifically discuss marketing to those under 18, the needs are, in fact, important to adolescents. Thus, when R.J. Reynolds uses these needs in its marketing to make its brands more appealing, it makes those brands more appealing to adolescents.

Q: Do you have a summary chart showing the various documents that support this conclusion?

A: Yes, it is Demonstrative 17.

Q: What needs does R.J. Reynolds understand will motivate young people to smoke its brands?

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A: They are: (1) enhancement of self-image; (2) popularity, peer group acceptance, conformity; (3) independence, autonomy, maturity; (4) sex appeal and an interest in sex; (5) masculinity, toughness, ruggedness; (6) relief from stress or boredom; (7) adventurousness, daring, sensation seeking, risk taking, excitement; (8) sports; and (9) rebellion, irreverence.

Q: What, if any, documents support your conclusion relating to the enhancement of self-image?

A: An R.J. Reynolds memorandum entitled "What Causes Smokers to Select Their First Brand of Cigarette?" is dated July 3, 1974. In considerable detail, it discussed the importance of brand images for enhancing self-images and motivating adolescents to start smoking:

> The more closely a brand meets the psychological 'support' needs (advertising or otherwise communicated brand or user image) and the physiological needs (product characteristics), the more likely it is that a given brand will be selected.
>
> Marlboro is often selected initially because …its advertising has consistently communicated a manly, tough confident user image and smoking characteristics consistent with this image. This image conforms closely with many young smokers need for 'support' in stressful situations.
>
> Kool is often selected initially because . . . its smoking characteristics make it appropriate for youths who feel that smoking a brand that is widely perceived as strong will satisfy their need for 'support.'

Its summary indicated:

> The main causes of initial brand selection, i.e., the influence of friends, the user image a brand projects and differentiated product characteristics, are logically related to the reasons a young person begins to smoke.

500574161-4170 at 4165, 4166, 4166, 4166 (U.S. Exhibit 67,921).

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A July 17, 1984 R.J. Reynolds marketing research proposal entitled "Younger Adult Lifestyle Discussions with Outside Consultants" included as two topics for discussion: "Upward striving, achievement, success, prestige" and "Search for confidence (Becoming an 'adult')." 519191001-1006 at 1005 (U.S. Exhibit 68,734).

A clear statement of R.J. Reynolds' understanding of the importance of its brand-image marketing for enhancing the self-image of its target audience can be found in the deposition of Lynn J. Beasley, President & Chief Operating Officer of R.J. Reynolds. In her June 25, 2002 deposition, Beasley discussed the role of images in the marketing of cigarette brands. Although she uses Camel as an example, she makes clear that the analysis applies to marketing cigarettes generally.

> [I]f you create an image that is not acceptable among the group that that person associates with, then you're not likely to have them switch. So you want to be sure the image you create is not only acceptable to the individual but to the larger group they associate with.

Deposition of Lynn J. Beasley, United States v. Philip Morris, et al., June 25, 2002, 151, 155.

Q: How are these documents relevant to your conclusion?

A: R.J. Reynolds is well aware that it will make its brands more appealing to young people if its marketing conveys an appealing image of smokers of these brands. Because establishing and enhancing one's self-image is a fundamental task of adolescents under 18, such marketing makes the Reynolds brands appealing to adolescents.

Q: What, if any, documents support your conclusion that R.J. Reynolds understands the role of popularity, and peer group acceptance in motivating smoking?

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A: The July 3, 1974 Donald Tredennick memorandum I cited previously on what causes smokers to select their first brand discussed the role that smoking can play in gaining peer acceptance.

> Men, particularly, report that . . . they took up smoking because they wanted to impress and be accepted by other young men who smoked. Often the motivation is to be less the target of group aggression. Smoking is often a way to gain entrée to a group by effecting an appearance of being mature, sophisticated, sexy or manly.

500574161-4170 at 4162 (U.S. Exhibit 67,921).

Lynn Beasley's deposition testimony also provides a clear description of the role of brand image marketing in fostering the perception that smoking a given brand will lead to peer acceptance. Beasley, discussing an expert report she filed in another case testified:

> What it's saying is that –and it says it right here, 'Specifically advertising will be developed with the objective of convincing target smokers that by selecting CAMEL as their usual brand, they will project an image that will enhance their acceptance. . .' That's the exact concept that I just explained to you that--
> So specifically you're trying to create an image for Camel that will … be accepted not rejected by the larger group … you need to create an image for a brand that the larger group the individual associates with will accept, not reject.
> . . . so you want to create an image for Camel…that if they choose it as their usual brand, they will project an image that will enhance their acceptance, be accepted by the larger group, not rejected.

Deposition of Lynn J. Beasley, United States v. Philip Morris, et al., June 25, 2002, 154, 155.

Q: How are these materials relevant to your conclusion?

A: The documents and testimony show that R.J. Reynolds understands the importance of communicating that smoking a given brand will lead one to gain admiration or

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acceptance from friends. I noted earlier that issues of peer acceptance are more important to those under 18 than to those 18 to 24. R.J. Reynolds markets its brands by communicating that those who smoke them will fit in with their peers and have good social relations, thus making its brands appealing to those under age 18.

My later testimony about the marketing of specific R.J. Reynolds' brands will show that R.J. Reynolds consistently creates brand images intended to make its targets feel their peers will accept them if they smoke these brands. In doing so, R.J. Reynolds speaks to a central concern of most adolescents.

Q: What, if any, documents support your conclusion that R.J. Reynolds understands the importance of independence, autonomy, and maturity for motivating smoking?

A: A February 29, 1984 report, "Younger Adult Smokers: Strategies and Opportunities," stated, "Marlboro's positioning was in tune with younger adult smokers' enduring want to express their maturity and independence through smoking (The Marlboro cowboy is always shown as mature, even older man)." 518488105-8198 at 8131 (U.S. Exhibit 52,223).

Q: How are these documents relevant to your conclusion?

A: Adolescents smoke, in part, to indicate their passage into adulthood, because they feel adult and feel that smoking makes them project a more mature image.

Q: What documents, if any, support your conclusion related to "sex appeal"?

A: A September 19, 1988 R.J. Reynolds document entitled "Effective Marketing to Younger Adult Smokers" provided a list of "Personality Quality Wants" that included "romantic" and, under guidelines for effective marketing, it listed among the "Hot Buttons," "romanticism" and "sex." 507241613-1838 at 1728, 1739 (U.S. Exhibit 20,774).

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An October 1988 report on focus groups prepared by Gill & Associates for R.J. Reynolds listed the attributes of people who are "cool." One of the attributes of a cool person is the "ability to attract women." 570194846-4878 at 4870 (U.S. Exhibit 68,939).

Q: What is the relevance of these documents?

A: These documents and ones I will cite below regarding the marketing of Camel show that R. J. Reynolds understands that it can make its brands more appealing to young people if it associates smoking those brands with success with members of the opposite sex.

Q: What, if any, documents support your conclusion that R.J. Reynolds understands the role of masculinity in motivating smoking?

A: A December 11, 1978 R.J. Reynolds internal memorandum on advertisements stated that desired image perceptions are "masculine, young adult, contemporary." 501850001-0077 at 0053 (U.S. Exhibit 67,963).

An October 1988 research report prepared by Gill & Associates for R.J. Reynolds discussed the results of focus groups with Hispanic males. These focus groups explored the reactions of these men to developing advertisements. The report described things that focus group members said were important to them:

> The sense of being in control and/or the sense of mastery over a number of areas; peer acceptance and recognition; 'macho' aspects of being a 'real man,' e.g., strength, leadership; female affirmation and being seen as successful with women; recognition of his sexual capacities.

507194783-4815 at 4788 (U.S. Exhibit 68,240).

Finally, in her deposition, Lynn J. Beasley used an example of masculine images associated with the Camel brand to explain how associating a masculine image with R.J. Reynolds' brands was important for social acceptance.

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> And you see that this document talks about masculinity. So if you had an image for Camel that isn't masculine, and masculinity is an important want not only to the individual but to the larger group—so that's the example if you showed up with Virginia Slims. The people you associate with are going to reject that choice. So specifically you're trying to create an image for Camel that will . . . be accepted not rejected by the larger group.

Deposition of Lynn J. Beasley, United States v. Philip Morris, et al., June 25, 2002, 154:12-20.

Q: How are these documents relevant?

A: R.J. Reynolds understands the importance of associating its brands with images of masculinity in order to motivate young people to smoke them. As I testified earlier, most adolescent boys are very conscious of whether their peers see them as masculine, and are subject to teasing if perceived as effeminate. This makes boys acutely concerned to appear tough and manly. Moreover, the consequences of not appearing tough can sometimes be physical abuse at the hands of other adolescent males. Finally, a boy who is interested in girls can benefit from having a rugged masculine image. In this context, projecting a masculine image is no minor concern. If smoking a particular brand of cigarette seems to enhance one's image as a tough man, then many adolescent males will think it worth trying.

Of course, most males 18 and older continue to want to appear manly. However, for most, the issue at that age is less acute and pressing, largely because by then they have usually found a group of friends who accept them and the instances in which they might feel threatened by others' disapproval have diminished in frequency.

Q: What, if any, documents support your conclusion related to relaxation?

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A: The July 3, 1974 memo from Donald Tredennick, Manager of Consumer Research, stated that smokers "frequently say that smoking at such times helps them to overcome stress either by bolstering their self-image (and how they are perceived by others), or physiologically, by relaxing or stimulating them." 500574161-4170 at 4163 (U.S. Exhibit 67,921).

Q: What is the relevance of this document to your conclusion?

A: As I testified earlier, during adolescence, youth experience increased stress and are motivated to find ways to manage or relieve it. To the extent that R.J. Reynolds conveys that smoking its brands will reduce stress and tension, it makes them appealing to adolescents.

Q: What if any documents support your conclusion that R.J. Reynolds understands the importance of adventurousness, excitement, or risk taking?

A: A July 16, 1990 document produced from the files of R.J. Reynolds and prepared by Young & Rubicam is titled "Presentation on RJR Smoker Trends and Brand Positioning Opportunities." It discusses the psychographics of the individuals R.J. Reynolds targets. The document states that these individuals "—seek excitement/sensation;—like to take risks;—do on the spur of the moment;—like to be outrageous/unconventional." FTC0024144-4151 at 4149 (U.S. Exhibit 74,370).

Q: What is the relevance of this document?

A: R.J. Reynolds understands it is important to associate images of adventure and excitement with its brands in order to market them to young people. These images are of great interest to adolescents, especially those high in sensation or novelty seeking. Thus,

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R.J. Reynolds' focus on this theme in its marketing makes its brands appealing to adolescents.

Q: Can you provide an example of a document that supports your conclusion related to sports?

A: A document dated August 10, 1990, "Sports Marketing Efforts Evaluation and Recommendation," addressed the value of associating sports with cigarette brands: "Sporting events are very effective . . . in delivering positive perceptions because of the association of the brand with the sport." 507407399-7426 at 7425 (U.S. Exhibit 68,264).

Q: How is this document relevant?

A: It shows that R.J. Reynolds understands that associating sports with its brands improves those brands' images. As I testified earlier, sports are one of the formative experiences for adolescents, a source of fun and excitement, a vehicle for peer acceptance, and a venue to develop skills and have successful experiences. By associating its brands with sports, R.J. Reynolds enhances their appeal to adolescents.

Q: Finally, what, if any, documents support your conclusion that R.J. Reynolds understands the importance of rebellion and irreverence in motivating adolescents to smoke its brands?

A: A November 1983 report on focus groups from the McCann-Erickson Market Research Department conducted with women on their attitudes toward smoking and cigarette brand advertising stated, "Beyond the easily recognized pressure of peers, women smoke . . . as part of this transitional period, to exhibit anti-authoritarian behavior." 500837415-7423 at 7417 (U.S. Exhibit 67,940).

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Support provided by the UCSF Industry Documents Library. http://www.industrydocuments.ucsf.edu/docs/tgjl0001

Notes from a July 16, 1990 presentation by Young & Rubicam to R.J. Reynolds discussed the psychological factors that would motivate "Contemporary Youth" to smoke. One factor was "Irreverent—Currently represents 14% of smoker. Projected to grow to 20% by year 2000." Under the "Psychographics" heading, the notes list "Like to be outrageous/unconventional." Under the heading "Leverage" and subheading "Contemporary Males" it stated, "Sometimes go out of my way to disobey." FTC0024144-4151 at 4147, 4148, 4149 (U.S. Exhibit 74,370).

Q: How are these documents relevant to your conclusion?

A: R.J. Reynolds understands the value of rebellion and irreverence for marketing its brands. It seeks to use those themes to exploit adolescents' interest and desire to be rebellious and irreverent and to appear to peers and adults in this way. The last document I cited in answer to the previous question shows that R.J. Reynolds understands the importance of these themes specifically for influencing adolescents. The document was marked "confidential" and, as stated previously, had a note attached that someone would collect the copies after the meeting. It shows that most smokers start before 18 and are brand loyal, and describes numerous characteristics that are useful in motivating adolescents to smoke. Finally, it states that many of its prospects say they "Sometimes go out of [their] way to disobey." Children and adolescents disobey, not adults. By making a brand more appealing to those who like to "disobey," R.J. Reynolds is appealing to adolescents.

Additional documents cited in Demonstrative 17 support my conclusion that R.J. Reynolds understands the importance of enhancement of self-image, self-confidence, and achievement in motivating young people to smoke its brands. Moreover, many documents I discuss below concerning R.J. Reynolds' brand-image marketing for Camel,

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Winston, and Salem show R.J. Reynolds' focus on the importance of the images of its brands for enhancing the self-image of its target audience.

Q: Please remind the Court of your third conclusion.

A: My third conclusion is that R.J. Reynolds has effectively incorporated themes and images into its marketing of Camel, Winston, and Salem that communicate to adolescents that smoking these brands will satisfy important adolescent needs.

Q: Can you explain this conclusion further?

A: The specific themes and images that R.J. Reynolds has associated with these brands has varied among the brands and over the years, but it has usually marketed all three in ways that associate them with themes and images important to adolescents. As shown by the documents I just testified about, a key to motivating young people to want to smoke a specific brand is to associate the brand and its smokers with appealing images. R.J. Reynolds has made extensive use of images that are particularly important to adolescents.

B. Camel

Q: What documents and advertisements did you review regarding Camel marketing?

A: I reviewed documents, advertisements, and marketing materials relevant to seven Camel campaigns: They're Not For Everybody; Meet the Turk; Bob Beck; Joe Camel, the Smooth Character; What You're Looking For; and Viewer Discretion.

Q: What did you conclude from your review of these Camel documents and materials?

A: Since at least 1972, Camel marketing campaigns have emphasized themes and images that appeal to adolescents. The specific themes have varied over the years. Throughout most of the 1970's and 1980's, Camel marketing emphasized rugged, self-confident, and adventurous masculinity. However, in this time period R.J. Reynolds continued to lose

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market share to Marlboro. In the 1980's, R.J. Reynolds created the Joe Camel/Smooth Character campaign which debuted in 1988. The Joe Camel campaign effectively communicated to adolescents that a Camel smoker was a popular and admired member of their peer group, was sexually attractive to women, had a lot of fun and excitement, and was an engaging nonconformist. Since having to discontinue that campaign, R.J. Reynolds has implemented a series of campaigns that have conveyed that the Camel smoker is attractive or an amusing nonconformist. All of these themes and images make the Camel brand appealing to adolescents.

1. They're Not for Everybody Campaign

Q: When did R.J. Reynolds use the They're Not For Everybody campaign?

A: I found and reviewed advertisements from this campaign dating from 1971 through 1974.

Q: What theme or themes did the advertisements for this campaign communicate?

A: Its theme was that oddballs smoke other cigarettes, but handsome, confident men smoke Camel.

Q: Can you provide examples of advertisements from this campaign?

A: Yes. The advertisements on the next page exemplify the main theme of the campaign. These appeared in issues of *Sports Illustrated* in 1971.

Q: Did the theme of these advertisements appeal to adolescents?

A: Yes. The theme speaks to several important concerns of most adolescent males, namely, fitting in with others as opposed to seeming to be "weird" or different, as well as being mature, handsome, and confident. In this campaign, R.J. Reynolds was communicating that, by smoking Camel, one could be a confident, handsome young man who fit in. This

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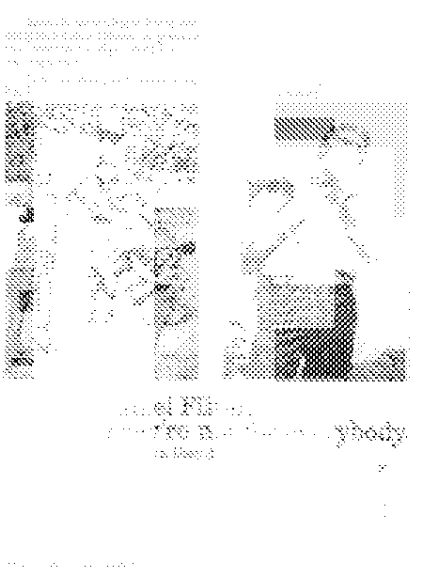
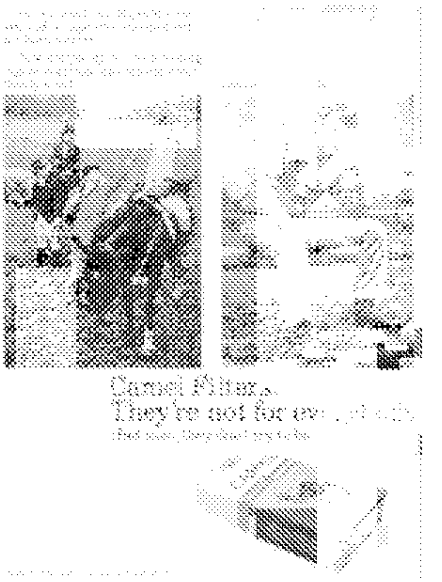
image makes the brand appealing to adolescents, since, achieving social acceptance of this sort is very important to most adolescent males.



Sports Illustrated, **April 12, 1971** (ADV0121444-1446, U.S. Exhibit 3,472)



Sports Illustrated, **October 4, 1971** (ADV0121792-1794, U.S. Exhibit 3,588)

2. *Meet the Turk Campaign*

Q: What materials did you review related to the Meet the Turk Campaign?

A: I reviewed marketing documents and magazine advertisements.

Q: Did this campaign communicate themes that were appealing to adolescents?

A: Through this campaign, R.J. Reynolds sought to make the Camel brand appealing to adolescents by communicating that Camel smokers were handsome, popular young men.

Q: Can you provide an example of a document supporting your conclusion?

A: Yes. In September 1974, C.A. Tucker, Vice President, Director of Marketing, presented marketing plans to the R.J. Reynolds board. Tucker reviewed the importance of getting "this young adult market, the 14-24 age group":

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> As seen by this chart, they will represent 27% of the population in 1975. They represent tomorrow's cigarette business. As this 14-24 age group matures, they will account for a key share of the total cigarette volume—for at least the next 25 years.

Tucker said that Camel filter "continues to show vitality in the market, growing about 50% faster than the industry under its current 'Not for Everybody' campaign." However, "[s]tarting in July 1974, a new marketing program was put into test market—targeted at young adults and designed to be even more competitive against Marlboro . . . [the] New 'Meet the Turk" advertising campaign." 500746950-6976 at 6951, 6953, 6954, 6955 (U.S. Exhibit 21,609).

Q: Can you provide examples of advertisements from the Meet the Turk campaign?

A: Yes. As shown on the following page, this campaign pictures the Camel smoker as handsome, confident, and greatly admired by young women. These advertisements appeared in *Sport Illustrated*.

According to R.J. Reynolds documents, the Meet the Turk campaign was designed to increase the perception that Camel smokers were "Manly; Brave, tough; Daring, adventurous." Testing of the campaign indicated, "'Turk' advertising is on target . . . it appeals to young adult males (18-34)." It was targeted "directly at the young male utilizing 'Turk' to create an image/aura around the brand that reflects the attitudes, values, lifestyle of the young male." 505775556-5598 at 5559, 5567, 5580 (U.S. Exhibit 21,797).

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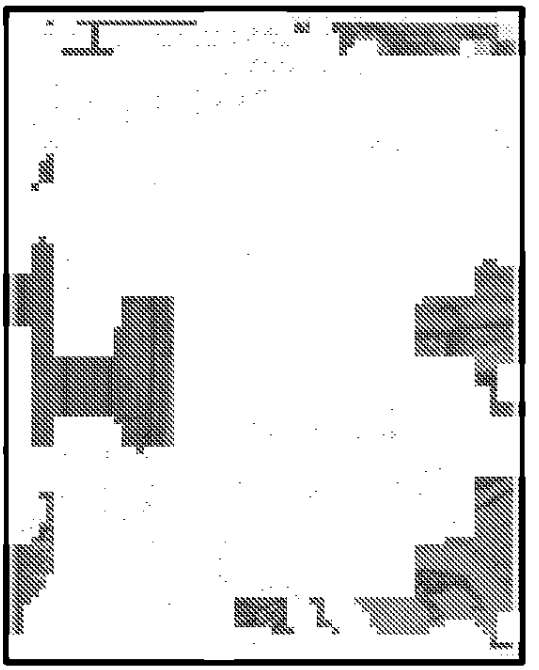
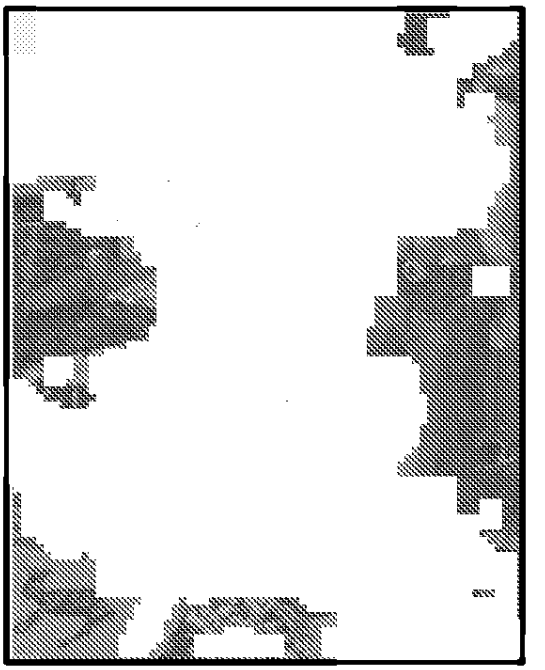


Sports Illustrated, **April 3, 1978** (ADV0180109-0111, U.S. Exhibit 5,833)



Sports Illustrated, **July 31, 1978** (ADV0171429-1431, U.S. Exhibit 5,702)

3. ***Bob Beck Campaign***

Q: What campaign did R.J. Reynolds introduce for Camel after Meet the Turk?

A: R.J. Reynolds created the Bob Beck campaign, which ran from 1980 to 1987. 507211964-2061 at 1994 (U.S. Ex 66,470).

Q: Why did R.J. Reynolds create a new campaign?

A: By 1980, it was clear Meet the Turk was not capturing market share among adolescents. A July 22, 1980 memo from G.H. Long, R.J. Reynolds Chairman, '84-89, to E.A. Horrigan, Jr., Chairman/CEO, R.J. Reynolds domestic, '80-89, conveyed a report on smokers 14 to 17:

> Importantly, the report further indicates that RJR continues to gradually decline, and between the spring and fall 1979 periods, RJR's total share declined from 21.3 to 19.9. Hopefully, our various planned activities that will be implemented this fall will aid in some way in reducing or correcting these trends.

503748558-8558 (U.S. Exhibit 60,645).

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Q: What documents did you review relating to the Bob Beck campaign?

A: I reviewed documents involving market research and planning that had to do with the Bob Beck campaign and numerous magazine advertisements for this campaign.

Q: What did you conclude from your review of these documents and advertisements?

A: I concluded that the Bob Beck campaign conveyed themes and images that effectively associated smoking Camel with the fulfillment of several adolescent needs.

Q: Have you created a chart that includes documents related to the Bob Beck campaign?

A: Yes, I have. Demonstrative 18 includes documents relevant to this campaign.

Q: What were the themes of the Bob Beck campaign?

A: Like its predecessor, it associated a strong masculine image with Camel, showing a Camel smoker as an independent, rugged outdoorsman in dangerous, exciting situations.

Q: Do R.J. Reynolds documents indicate an effort to convey themes of rugged masculinity during this era?

A: They do very clearly. Planning documents indicate R.J. Reynolds' intention to convey these images and research documents indicate that it succeeded in doing so.

Research conducted by R.J. Reynolds confirmed that the advertisements effectively conveyed a masculine image. A May 11, 1981 advertising research report published by marketing development at R.J. Reynolds states, "the majority of respondents cited the advertisement as depicting a rugged, independent, self-confident, masculine individual in a quest for recreation." 500144029-4048 at 4032 (U.S. Exhibit 67,897).

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A May 1983 report prepared for R.J. Reynolds, "The Camel Brand Image," states, "Camel is imbued with an almost indisputable masculinity." 503455432-5554 at 5442 (U.S. Exhibit 50,398) (emphasis in original). This report summarized what smokers of various brands say other people might think of them based on the brand they smoke.

> Marlboro smokers more heartily endorse the idea that their brand is a proclamation of masculinity. . . . They believe that most people have seen this promotion, have accepted its key message, and would assume that Marlboro smokers share the attractive and undeniably masculine characteristics of the men used in the advertising.
> . . .
> The adolescent underpinnings of this virility fantasy are summarized by the Marlboro smoker who thinks other people would think he is 'with it' for smoking a 'cool' brand.
> Men would say it's cool to smoke Marlboro. If you didn't smoke them in school, you weren't cool. It seems like women would also think you're cool if you smoke them.

503455432-5554 at 5483-5484 (U.S. Exhibit 50,398).

The report further indicated that images of masculinity and social success were "aspirational," or images to which individuals aspire. The report indicated:

> all of the qualitative research indicates that . . . the determinants of choice are a compound of the individual's aspirations to present himself or herself as a person who is more or less mature, more or less masculine or feminine, more or less classy or ordinary, and as having various related personality characteristics (sociability, health concern, etc.).

503455432-5554 at 5551 (U.S. Exhibit 50,398).

The 1984 Camel Marketing Plan dated July 27, 1983 indicated that "Camel must be viewed as the brand for the younger adult smoker who wants to attain an image of being independent, adventurous, masculine and who desires an exciting, pleasure-oriented lifestyle." 503447570-7639 at 7574 (U.S. Exhibit 50,375).

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The R.J. Reynolds 1985 annual marketing plan stated, "CAMEL imagery will convey an attitude of masculinity, adventure and independence, and serve as a statement of self-confidence." 504610096-0167 at 0113 (U.S. Exhibit 68,124).

Additional documents cited in Demonstrative 18 also show R.J. Reynolds' intent to associate masculinity with the Camel brand through the Bob Beck campaign.

Q: How are these documents relevant?

A: I would point to the statement in the 1984 plan: "Camel must be viewed as the brand for the younger adult smoker who wants to attain an image of being independent." This shows that R.J. Reynolds understands that young people will smoke Camel to the extent that doing so will gives them a certain image. This document—and most market research I viewed—shows that the intangible, symbolic attributes associated with cigarette brands make them initially appealing to customers. Moreover, adolescents are the customers most in search of the symbolic attributes that R.J. Reynolds associated with Camel at this time.

Q: Besides masculinity, what, if any, other themes did the Bob Beck campaign communicate?

A: Demonstrative 18 lists documents that show R.J. Reynolds' effort to associate the Camel brand with excitement, fun, and danger and being a popular and admired member of the in-group.

One example is a January 8, 1985 marketing research report, "Camel: Younger Adult Smokers," published by marketing development at R.J. Reynolds. It states: "Camel is excellently positioned to appeal to FUBYAS who want to project themselves

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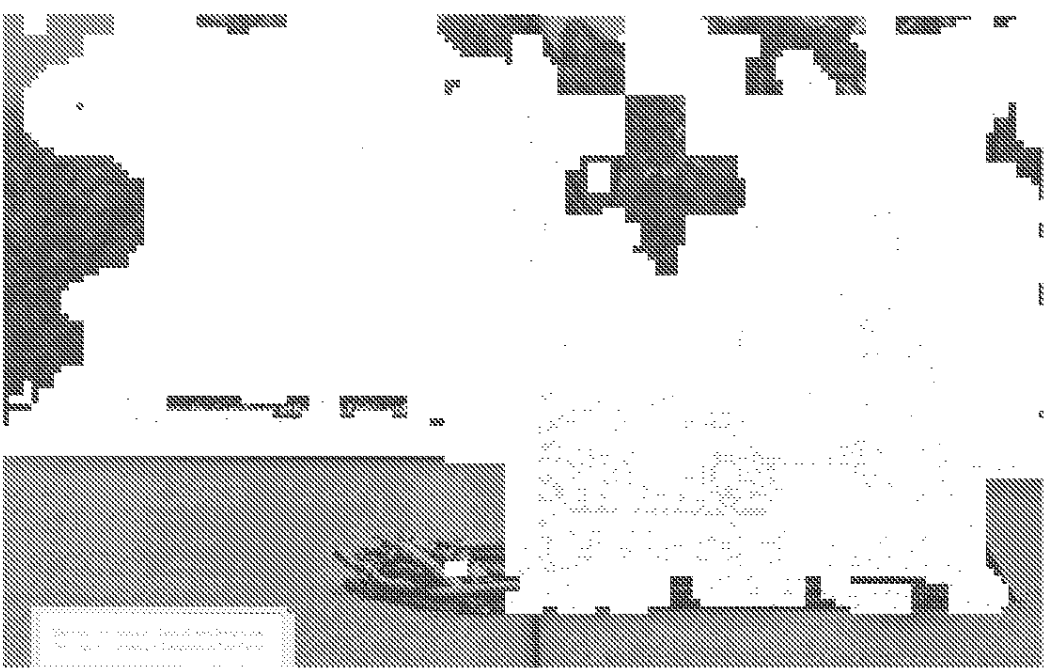
as being different from the crowd because they seek the ultimate in adventure and excitement." 504606983-7007 at 6988 (U.S. Exhibit 68,119).

Q: What does FUBYAS mean?

A: "FUBYAS" is a euphemism for young smokers. It stands for "first usual brand young adult smokers." As R.J. Reynolds knew, most smokers establish their first usual brand before age 18.

Q: Can you provide examples of advertisements from the Bob Beck campaign?

A: Advertisements pictured the character "Bob Beck" in African jungles, exploring Ecuador, flying his plane into remote lakes, winter camping, or floating his jeep across a river. Below and on the next page are two of these advertisements.



***Sports Illustrated*, March 8, 1982** (ADV0201346-1348; U.S. Exhibit 7,055)

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Substantial portions of www.industrydocuments.ucsf.edu/docs/tgjl0001

***Sports Illustrated*, July 20, 1981** (ADV0200731-0733, U.S. Exhibit 6,851)

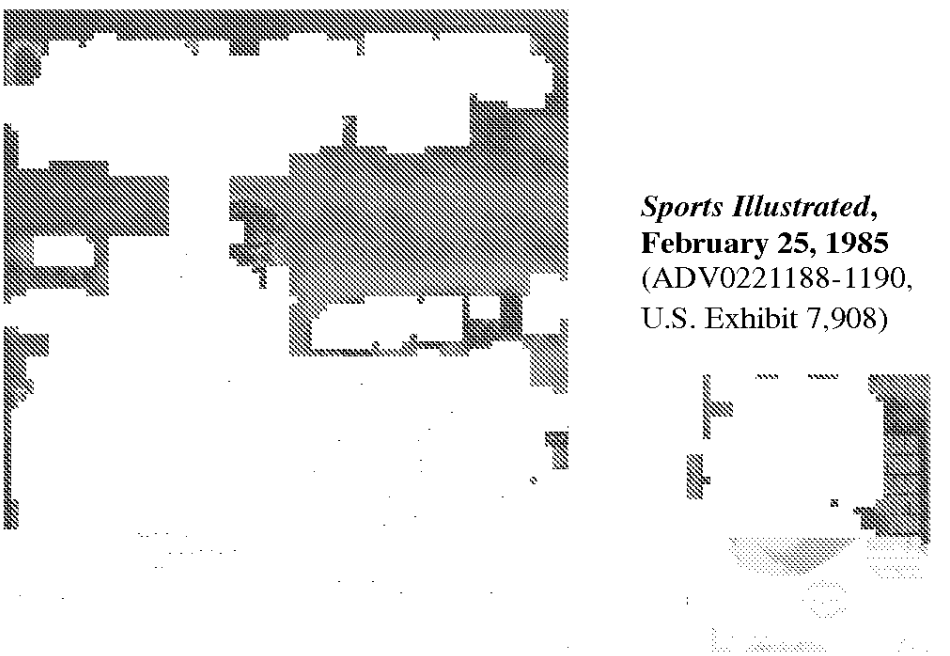
Q: What did these advertisements convey?

A: They pictured an image of the rugged, good looking, outdoorsman with mastery of all the exciting and dangerous places he visits; this is an image with which most adolescent males identify. The advertisements convey that Camel smokers have all these qualities. A young person could thus symbolically achieve a sense of being tough, confident, mature, adventurous, and successful by smoking Camel.

Q: Does the content of the magazines in which these advertisements appeared affect the image conveyed of the Camel smoker?

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Substantial portions of www.industrydocuments.ucsf.edu/docs/tgjl0001

A: Yes. For example, by running Bob Beck advertisements in *Sports Illustrated*, R.J. Reynolds associated Camels with sports many adolescents participate in and follow avidly. The following is an example of a Bob Beck advertisement that appeared in *Sports Illustrated* in 1985.



***Sports Illustrated*,**
February 25, 1985
(ADV0221188-1190,
U.S. Exhibit 7,908)

Q: Did R.J. Reynolds take other action during this time to associate Camel with sports?

A: Yes. R.J. Reynolds sponsored schedules of major athletic events to further associate Camels with sports. As shown below, in 1983, R.J. Reynolds placed a four-page Camel advertisement in *Sports Illustrated* that included the NCAA schedule for the championship basketball playoffs. With this, R.J. Reynolds invited the reader to use the schedule as a scorecard while following the games. For adolescent males who are fans of college basketball, this scorecard would associate smoking Camel with top-flight collegiate basketball.

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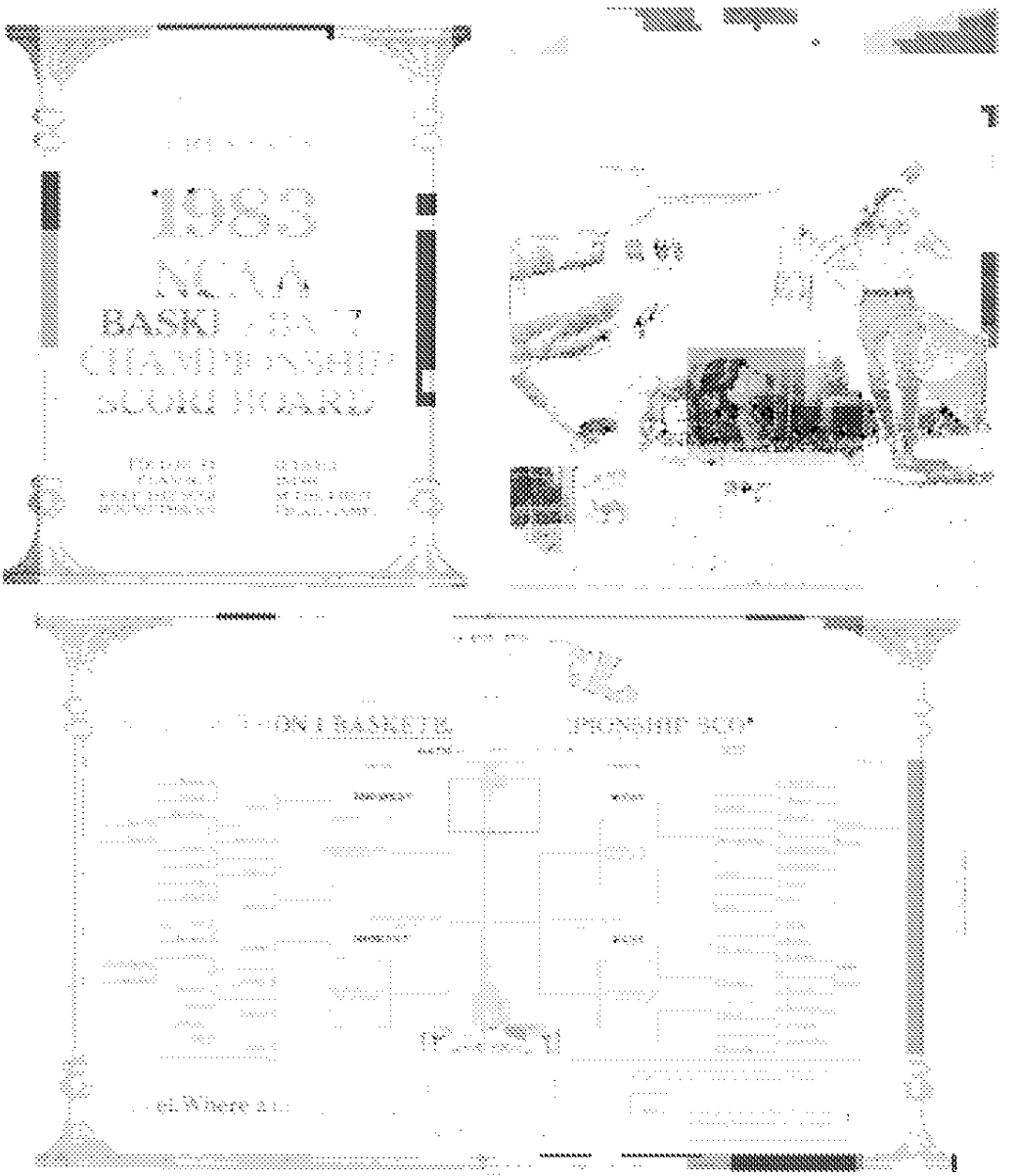

***Sports Illustrated*, 1983** (ADV0211056-1060, U.S. Exhibit 7,422)

Q: Did research on the Bob Beck campaign indicate problems with the campaign?

A: Yes. A September 3, 1987 Camel Advertising Development 'White Paper' discussed research on the Bob Beck campaign that indicated that the "in-market image" it conveyed

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included some negative perceptions: "—not up-to-date/contemporary; —not exciting to be with; and a lot older than me." 506768775-8784 at 8780 (U.S. Exhibit 20,764).

An October 10, 1985 Camel Advertising Presentation expressed a concern with making the Camel smoker appear younger and stated that the target audience for Camel defines success to include having their "own set of wheels"—a statement that further points to the focus on adolescents. 505319520-9561 at 9538 (U.S. Exhibit 68,168).

Q: What, if anything, did R.J. Reynolds do to rectify the negative perceptions you just described?

A: In the latter half of the period when the Bob Beck campaign was running, R.J. Reynolds used younger models in social situations. A document from 1985 entitled "Camel Research Overview of Younger Adult Smokers," stated:

> In an attempt to address CAMEL's weaknesses and the 'loner/isolationist' aspects of the original Bob Beck campaign, an alternative campaign, 'Share a New Adventure' was developed. This campaign used models that were not as old looking and used more relevant situations to address the brand's 'older' image weaknesses. Additionally, these models to overcome the loner aspects of the former advertising.

518488299-8308 at 8304 (U.S. Exhibit 52,224).

Q: Can you provide an advertisement from the Share a New Adventure variant of the Bob Beck campaign?

A: Yes, below is an example. In this advertisement, by showing the Camel smoker with handsome, admiring friends, R.J. Reynolds tried to convey to young people that their peers would like and admire them if they smoked Camel.

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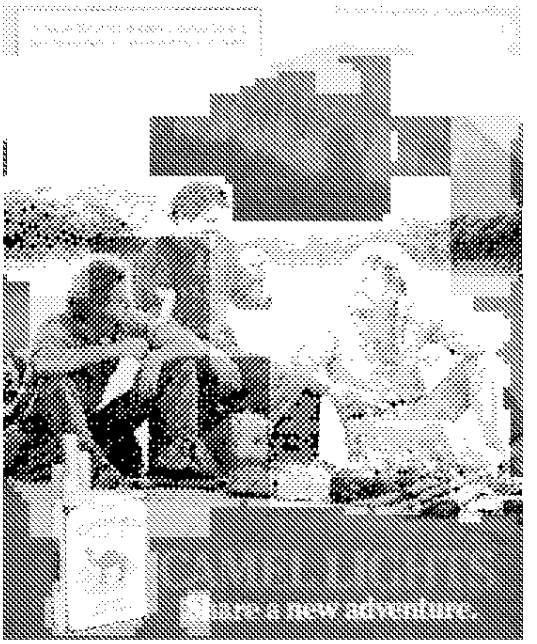

***Sports Illustrated*, October 1986**
(ADV0231185-1187; U.S. Exhibit 8,286)

Q: Is your conclusion supported by internal documents?

A: Yes. A 1985 document entitled "Camel Research Overview of Younger Adult Smokers," stated:

> The advertising will position CAMEL as an authentic brand for smokers who are admired and respected by their peers because their attitudes and lifestyles distinguish them as individuals who have their own identity and make their own decisions.

514348455-8501 at 8477 (U.S. Exhibit 68,408) (emphasis in original). The exact same statement was in another document around the same time. 518488299-8308 at 8304 (U.S. Exhibit 52,224).

In a March 12, 1986 memorandum addressed to D.N. Iauco, Vice President of Brand Management and titled "Camel New Advertising Campaign Development," R.T.

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Caufield of R.J. Reynolds Brand Group stated the advertising objective for Camel at this time:

> Overall, Camel advertising will be directed toward using peer acceptance/influence to provide the motivation for target smokers to select CAMEL. Specifically, advertising will be developed with the objective of convincing target smokers that by selecting CAMEL as their usual brand they will project an image that will enhance their acceptance among their peers.

503969238-9242 at 9238 (U.S. Exhibit 20,725).

The memorandum further stated that one strategic direction would be to "address target smokers' desire to project an image that elevates them in the eyes of their peers." It described the psychological motivation that would underlie young people's positive response to this appeal as, "Aspiration to an image which will make target smokers cool/accepted by their peers." The rationale was, "Aspiration to be perceived as cool/a member of the in-group is one of the strongest influences affecting the behavior of younger adult smokers." 503969238-9242 at 9239, 9241 (U.S. Exhibit 79,096).

Q: How are these documents relevant to your conclusion?

A: As I testified earlier, one of the strongest influences affecting the behavior of adolescents is the aspiration to be a member of the in-group. Documents I reviewed earlier show that R.J. Reynolds understood this was a motivation for adolescents. Thus, although R.J. Reynolds used the term "younger adult smokers," it understood that peer pressure applied to adolescents. Moreover, the document shows that R.J. Reynolds was trying to harness peer influences by establishing an image for Camel that would help adolescents who smoked Camel achieve peer approval.

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Q: Was the Bob Beck campaign successful?

A: It was not as successful as R.J. Reynolds had hoped. The September 3, 1987 Camel Advertising Development 'White Paper,' cited above, concluded that the Bob Beck campaign was not sufficient to wrest market share away from Marlboro. Although research on the campaign indicated "CAMEL's in-market image has many strengths against younger adult smokers," the campaign did not "overcome the major user image weaknesses driving negative perceptions among the target." Even after moving to the Share a New Adventure campaign to improve "perceptions of the CAMEL user as more exciting to be with and more a part of a crowd," the campaign was found to be "not sufficiently contemporary to reposition CAMEL as a younger adult smoker brand." The document indicated that, "[i]n order to fully target the younger adult market, CAMEL must displace Marlboro as the younger adult brand." To do this, R.J. Reynolds needed advertising that would "elicit an emotional response" by including themes such as "escape into imagination" and "excitement/fun is success." 506768775-8784 at 8779-8783 (U.S. Exhibit 20,764). As a result, R.J. Reynolds replaced Bob Beck with the Joe Camel campaign that carried out many of the recommendations of this report.

4. The Joe Camel/Smooth Character Campaign

Q: What did you review relating to the Joe Camel campaign?

A: I reviewed market research and planning documents related to the Joe Camel campaign and numerous advertisements.

Q: What did you conclude from your review?

A: I concluded that the campaign conveyed themes and images that effectively communicated that smoking Camel would fulfill many important needs of adolescents.

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Q: What themes and images are you referring to?

A: Through the Joe Camel/Smooth Character campaign, R.J. Reynolds effectively communicated that Camel smokers: (1) are popular and admired members of their peer group; (2) are sexually attractive to women; (3) experience much fun and excitement; and (4) are rebellious nonconformists. The Joe Camel campaign also associated Camel with images of masculinity, sports, and relaxation. All of these themes are important to many adolescent.

Q: Have you created a chart containing documents that support your conclusions related to Joe Camel?

A: Yes, I have. Demonstrative 19 lists documents relevant to the Joe Camel campaign.

Q: What, if anything, do these documents indicate about the goal of the Joe Camel campaign?

A: Although most Camel documents state a target audience beginning at age 18, some documents also explicitly recognize that the Joe Camel character had appeal to those younger than 18.

Q: Can you provide an example?

A: Yes. A March 12, 1986 memo I previously discussed was "Camel New Advertising Campaign Development." In it, R.T. Caufield discussed how the goal of the Joe Camel campaign was to reposition "Camel as the relevant brand choice for younger adult smokers":

> It is recommended that creative efforts reflect a primary focus on developing advertising which is highly relevant, appealing and motivational to 18-24 male smokers…However, recognizing the volume potential associated with advertising which is broad based in appeal, the creative exploratory will emphasize approaches which employ universal

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cues and symbols having motivational value outside of the prime prospect group as well.

503969238-9242 at 9238 (U.S. Exhibit 79,096).

Q: What do you conclude from this statement?

A: I conclude that R.J. Reynolds understood that if it developed a campaign successful with 18- to 24-year-olds, it would motivate those "outside the prime prospect group as well." Adolescents under 18 are one such group.

Q: Can you provide another example?

A: Yes. A 1985 report entitled "Camel Younger Adult Smoker Focus Groups," found "[m]ore than any other theme, the French [cartoon] Camels appeared to attract the respondents' attention. The main drawbacks of these executions were that: (1), they may be more appealing to an even younger age group; and (2), there is some confusion as to the meaning behind them." 504585737-5757 at 5739 (U.S. Exhibit 50,628).

Q: What do you conclude from this report?

A: I conclude that R.J. Reynolds knew before it implemented the Joe Camel campaign that the cartoon character would appeal to a "younger age group."

a. Popular and Admired

Q: What, if any, documents show that R.J. Reynolds associated the theme of popularity with the Joe Camel campaign?

A: A 1989 document from R.J. Reynolds' files, written by Young & Rubicam, states why peer group acceptance is important for getting young people to begin smoking Camel brand: "Belonging is enormously important to FUBYAS." 507241613-1838 at 1651 (U.S. Exhibit 20,774).

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A December 4, 1990 advertising overview by Young & Rubicam from R.J. Reynolds' files described the Joe Camel image that the campaign was striving to communicate:

> [T]he larger-than-life personification of all that we, in our moments of playful fantasy, aspire to be. Always the winner, on top of the situation, beating the system, and covering the scene, whatever he does he does with a style and joie de vivre all his own. The twinkle in his eye and that 'cat that ate the canary' expression on his face say it all.

507490339-0354 at 0349 (U.S. Exhibit 23,010) (emphasis in original).

A 1990 R.J. Reynolds document described Joe Camel as:

> CORPORATE/BRAND PERSONALITY: I am CAMEL; I am cool. I'm the ultimate 'Smooth Character." I'm my own person; self-confident, independent but approachable; a leader. I'm single and in my mid-late 20's. I'm larger than life, not just "one of the guys," cocky; studly yet sensitive. I epitomize the best life has to offer a young man -excitement, risk, thrills, fantasy and fun.

507403799-3801 at 3800 (U.S. Exhibit 51,198).

Q: What do these documents show?

A: These documents show that R.J. Reynolds intended to create a brand image for Joe Camel that would meet a young person's need to fit in and be admired and accepted by his or her peers.

Q: Can you provide examples of Joe Camel advertisements that communicated that Camel smokers are popular and admired?

A: Yes. The Joe Camel Smooth Character advertisements established Joe as having a wide variety of traits adolescents would admire and wish to emulate.

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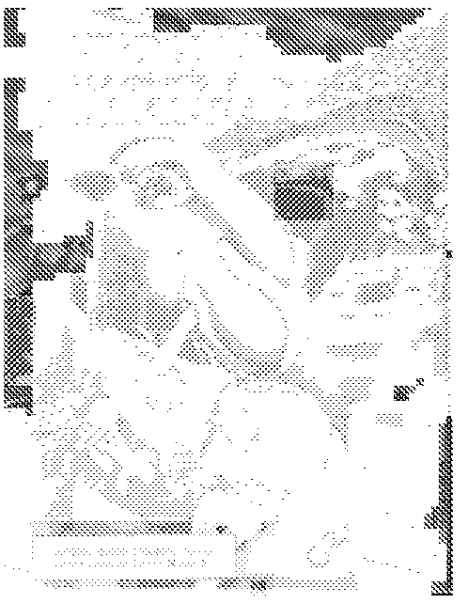
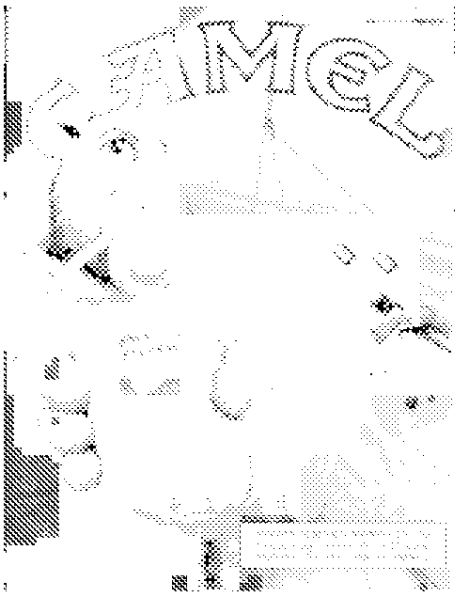
Advertisements showed him as a racecar driver...



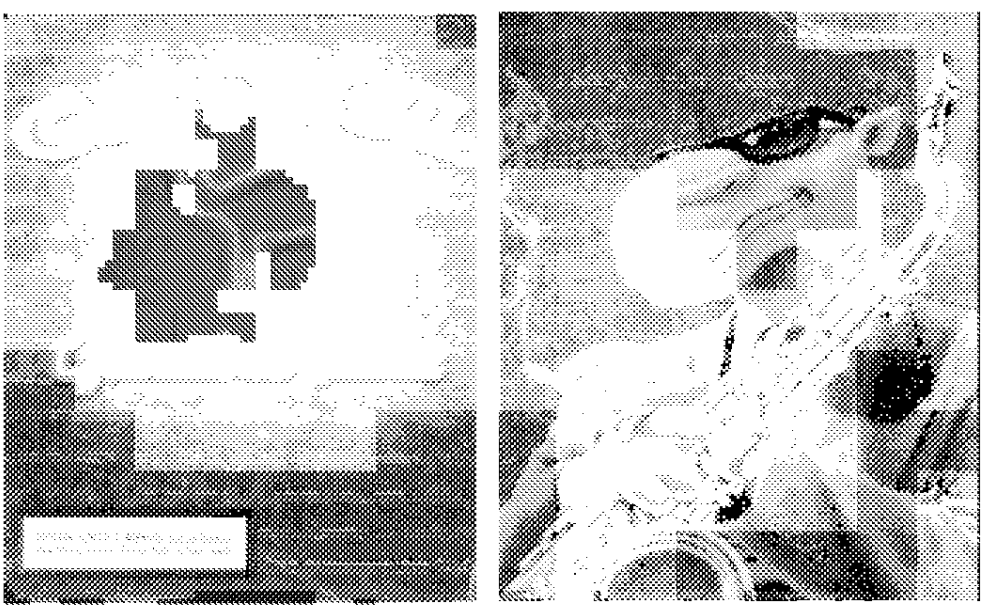
***Sports Illustrated*, June 26, 1989** ADV0241373-1375, U.S. Exhibit 8,748

and as a skilled sailor.



***Sports Illustrated*, July 23, 1990** (ADV0250375-0377, U.S. Exhibit 8,865)

They showed him as a cool musician.



***Rolling Stone*, 1994** (ADV0080990-0992, U.S. Exhibit 2,147)

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Substantial portions www.industrydocuments.ucsf.edu/docs/tgjl0001

Advertisements showed him as a pool champion …and a risk-taking water-skier

***Sports Illustrated*, March 12, 1990** (ADV0250216-0218, U.S. Exhibit 8,815)

***Sports Illustrated*, August 13, 1990** (ADV0250396-0398, U.S. Exhibit 8,872)

Advertisements showed him surrounded by his cool buddies.

***Rolling Stone*, April 20, 1995** (ADV0090034-0036, U.S. Exhibit 2,166)

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Substantial portions of www.industrydocuments.ucsf.edu/docs/tgjl0001

Joe Camel advertisements showed him as a dashing and admired man of adventure. Joe Camel.

***Sports Illustrated*, January 16, 1989** (ADV0241071-1073, U.S. Exhibit 8,654

***Sports Illustrated*, November 5, 1990** (ADV0250495-0505, U.S. Exhibit 8,905)

Q: What do you conclude from these advertisements?

A: The Joe Camel campaign communicated that Joe Camel was liked and admired for his suave demeanor, his adventurousness, and his mastery of many exciting activities.

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf
Substantial portions of www.industrydocuments.ucsf.edu/docs/tgjl0001

b. ***Sexually Attractive***

Q: What, if any, documents show that R.J. Reynolds associated images of sex appeal with Joe Camel?

A: A June 21, 1988 document titled Camel Project Big Idea Concept Development presented to R.J. Reynolds proposed ways to use promotions to communicate that the Camel smoker would "get the girls."

> Nothing quite captures the imagination of our target as the opposite sex. The CAMEL CONNECTION takes . . . a 'Connection' between Camel and one of the focuses of our target's life.
> The program features an endless variety of premiums, give-aways, etc., that play our 'Camel Guy' as a real ladies man, the Camel equivalent of the Playboy bunny, all relatable and done with a very light, funny, fantasy orientation to our target.
> . . .
> Of course, there will be infinite attention paid to the focus of our target's fascination: women. Beautiful, desirable, the kind of females you wouldn't care if they'd never read Julia Childs.
> . . .
> Yes, this is disgustingly chauvinistic. And yes, it is a very dead-end bullseye with our target
> . . .
> He's a blond beach god. Well, blond leaning camel.

515686724-6729 at 6726-6727, 6729 (U.S. Exhibit 51,962).

Q: What do you conclude from this document?

A: To put it in mundane terms, I conclude that R.J. Reynolds was trying to communicate that Joe Camel, and therefore the Camel smoker, was a sexually attractive person. As I explained earlier in my testimony, concerns about attractiveness to the opposite sex are particularly relevant to adolescents.

Q: Can you provide advertisements that communicate this theme?

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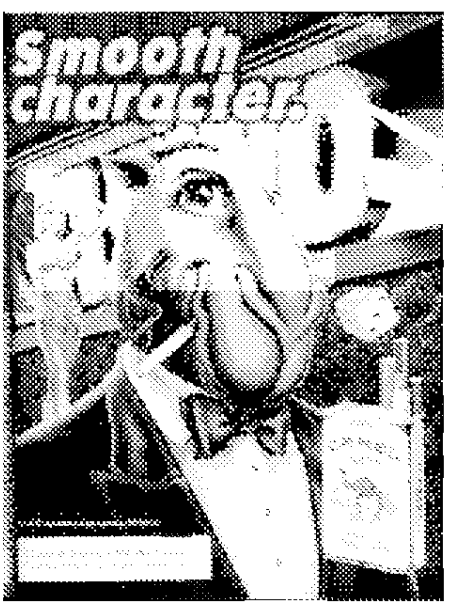
Substantial portions of www.industrydocuments.ucsf.edu/docs/tgjl0001

A: Yes. Each of the following three advertisements shows attractive young women admiring Joe Camel.

***Sports Illustrated*, September 19, 1988** (ADV0240852-0854, U.S. Ex. 8,590)

***Sports Illustrated*, August 29, 1988** (ADV0240811-0813, U.S. Exhibit 8,577)



***Sports Illustrated*, April 10, 1989** (ADV02412351237, U.S. Exhibit 8,704)

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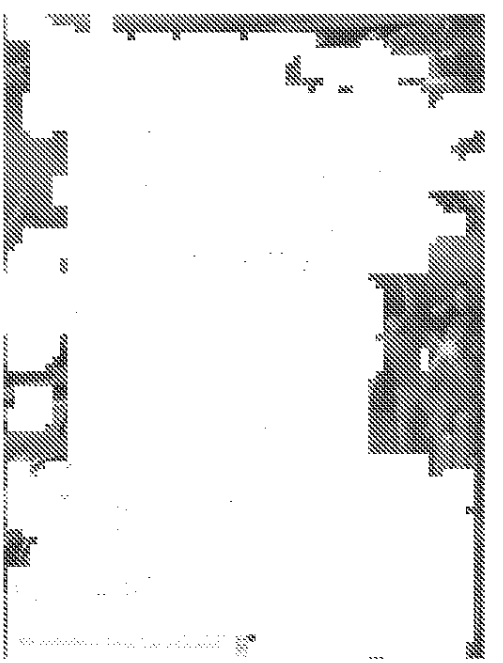
c. ***Excitement and Fun***

Q: What, if any, documents indicate R.J. Reynolds' association of the Camel brand with excitement and fun?

A: A 1988 document reporting on research on the Camel and Winston brands shows R.J. Reynolds' understanding of the value of these images for promoting Camel. It states, "Younger adults center their lives on having fun in every way possible and at every time possible." 518488299-8308 at 8307 (U.S. Exhibit 52,224). Additional documents showing R.J. Reynolds' interest in associating images of fun and excitement with Camel are in Demonstrative 19.

Q: What do you conclude from this document?

A: Advertising that communicates that Joe Camel is a "party animal" tells adolescents that smoking camel will meet their needs for fun and excitement. Adolescence is a period of gradual transition from childhood to adult roles and responsibilities. During this period, social activities in which adolescents form more tight-knit social groups and begin relationships with members of the opposite sex become important. If there is a period during which having fun and partying are prominent activities, it is adolescence.



***Sports Illustrated*, October 9, 1989**
(ADV0250162-0164, U.S. Exhibit 8,797)

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf
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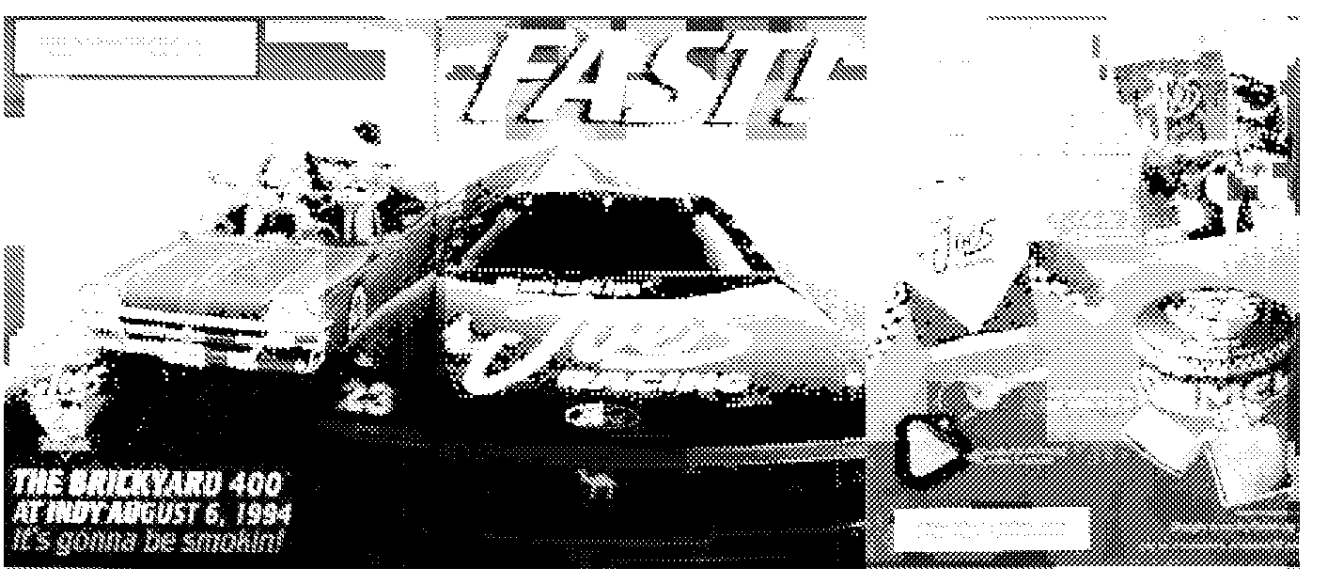
Q: Please provide examples of Joe Camel advertisements that convey images of fun and excitement?

A: Three advertisements that associate smoking Camel with fun and excitement appear here. The first shows Joe as the apparent winner of a motorcycle race, surrounded by admiring fans.

The second is a three-page spread in a 1994 *Sports Illustrated*. This advertisement associates Camel with driving fast cars and the biggest auto-racing event of the year, the Indianapolis 500. It also shows Camel "gear," such as a lighter and a leather key chain.



***Sports Illustrated*, June 27, 1994** (ADV0260299-0305, U.S. Exhibit 9,271)

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Substantial portions of www.industrydocuments.ucsf.edu/docs/tgjl0001

This advertisement from *Sports Illustrated* shows Camel as the cigarette for those who like to party with friends.

***Sports Illustrated*, May 9, 1988** (ADV0240630-0632, U.S. Exhibit 8,521)

In addition, many of the advertisements I showed above contain images of excitement, specifically, the advertisements showing Joe Camel involved in water skiing, gambling, a submarine, jet fighters, Hollywood, and sport cars.

Q: How, if at all, do these advertisements meet adolescent needs?

A: As I testified earlier, adolescence is a period of heightened interest in fun and exciting activities, particularly socializing with groups of friends. The association of these activities with the Camel brand makes the brand more appealing to many adolescents, especially males.

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d. ***Rebellion and Nonconformity***

Q: What, if any, documents show R.J. Reynolds' association of the Camel brand with rebellion and nonconformity?

A: A March 12, 1986 document entitled "Camel New Advertising Campaign Development" stated:

> The objective of the advertising is to leverage the non-conformist, self-confident mindset historically attributed to CAMEL users so that the brand becomes a relevant, appealing choice for today's younger adult smokers. To accomplish this objective, the advertising will create the perception that CAMEL smokers are . . . non-conforming, self-confident younger adult smokers who project a cool attitude which is admired by their peers.

503969238-9242 at 9240, 9241 (U.S. Exhibit 20,725).

Demonstrative 19 contains other documents that show R.J. Reynolds' associates Camel with rebellion and nonconformity.

Q: What do you conclude from these documents?

A: These documents show that part of the brand image for Camel to be communicated by Joe Camel was non-conformity and rebellion. This image would be especially effective in making Camel appealing to those under the age of 18.

Q: Can you provide examples of advertisements that associate Camel with rebellion and nonconformity?

A: Yes. The Joe Camel campaign often shows Joe engaged in activities that are a bit out of the mainstream. For example, the leather-jacketed motorcycle riders shown in the next two advertisements are classic symbols of rebellion.

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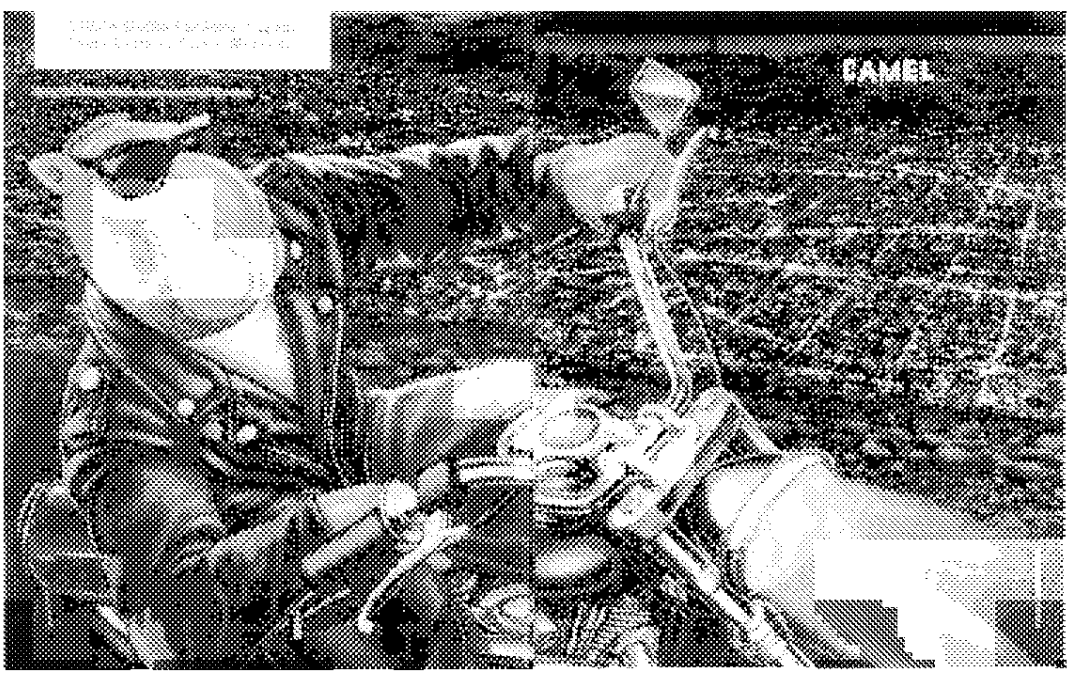
***Sports Illustrated*, 1990** (ADV0250276-0278, U.S. Exhibit 8,835)



***Sports Illustrated*, 1996** (ADV0260936-0938, U.S. Exhibit 9,478)

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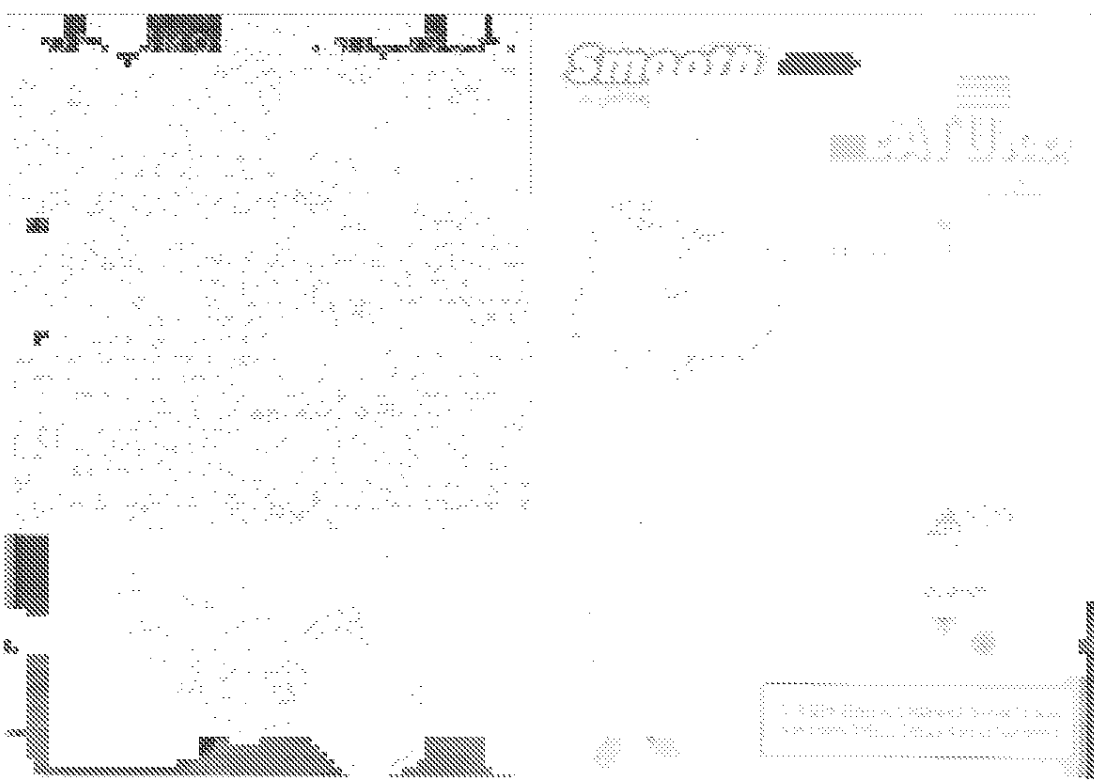
Q: Can you provide additional examples of advertisements using this theme of rebellion?

A: On the following page are two pages of a three-page advertising supplement showing Joe as the "Character of the Year." They are from a 1990 *Sports Illustrated*. In a humorous way, this advertisement presents Joe as someone with a contrarian philosophy that would appeal to many adolescents who are chafing at the "sound advice" offered by many well-meaning adults. Joe's Smooth Philosophy includes statements such as "The early bird usually falls asleep before the party starts" and "A penny saved is another one you can get rid of that hangs around in your pocket gathering lint and eventually making a hole so you lose it anyway."



***Sports Illustrated*, November 5, 1990** (ADV0250495-0505, U.S. Exhibit 8,905)

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e. ***Additional Themes***

Q: You testified that, in addition to the main themes you described, the Joe Camel campaign also utilized additional themes. What are those?

A: Additional themes are masculinity, sports, and relaxation

Q: Do any R.J. Reynolds documents show that the Joe Camel campaign associated the brand with these themes?

A: Yes. Demonstrative 19 lists documents that focus on these themes in Camel marketing.

Q: Would any of these themes meet adolescent needs?

A: Yes. As I testified earlier, adolescent boys, who are also interested in sports, cars, and motorcycles, desire to project a masculine image. Further, as I noted, dealing with stress by relaxation is something all adolescents need to learn as they encounter new and stressful situations.

f. ***Research on the Effectiveness of the Joe Camel Campaign***

Q: Did R.J. Reynolds conduct any research to determine whether the Joe Camel campaign was effective?

A: Yes, it conducted focus group and other research.

Q: What did R.J. Reynolds find in this research?

A: R.J. Reynolds found that the Joe Camel campaign effectively associated Camel with the themes I have discussed, including popularity, sexual attractiveness, excitement and fun. R.J. Reynolds also found that Camel was seen as a popular, peer-approved, and younger brand due to the Joe Camel campaign.

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf
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Q: Could you provide examples of this research?

A: Yes. A 1988 document entitled Camel General Market Campaign Focus Group Research: French Camel reported that the "French Camel series successfully meets campaign criteria: Attention getting/exciting, Emotional response, contemporary statement." It indicated that "[t]he 'French Camel' personality characteristics that are most positive and appealing include: action, adventure, masculinity, hero, and bigger than life." It noted, "'Smooth character' provides dual meaning: Smooth (slick or cool) personality and smooth product." 509612458-2463 at 2458 (U.S. Exhibit 68,349).

Research found that the Joe Camel campaign was more effective with younger people. "'Heroic Camel' Advertising Test" from March 1988 indicated that the impact of the campaign was greater with the younger people in its sample: "18-24 year old male target smokers judged 'Heroic Camel' to be more entertaining/stimulating, more contemporary and more relatable advertising than the 25-34 year old male smokers." The study compared the impact of Joe Camel to the Bob Beck campaign. It concluded, "Heroic Camel has a more fun personality, is more a part of a group and is more of a younger adult smoker." 513846614-6712 at 6625, 6628 (U.S. Exhibit 68,384).

According to a December 8, 1988 internal R.J. Reynolds memo, both pre and in-market testing indicated that "target smokers aware of the new advertising were more likely to perceive CAMEL smokers as being younger adult and having more fun." 506864590-4591 at 4591 (U.S. Exhibit 66,463).

A 1989 document entitled "'Smooth Character' Campaign" indicated that, "[t]here was a more positive emotional response to the 'Smooth Character' because it established a brand personality which was relevant and appealing to 18-24 year old

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Substantial portions of www.industrydocuments.ucsf.edu/docs/tgjl0001

	Smooth Character	Bob Beck
Contemporary & up-to-date	67	35
Lighthearted/irreverent – playful	66	18
Fun—Fun to read & look at	67	25
Fun—clever & entertaining	71	29
Could be one of my friends	55	49
Attractive to opposite sex	61	46
Someone I'd like to know	41	36
Younger adult smoker	31	23
Has a lot of personality	52	42
Knows how to have fun	59	48

smokers." The following chart shows some of the differences in the proportion of respondents in this 1989 document who mentioned different attributes they associated with the Smooth Character and Bob Beck.

The chart shows that the Joe Camel campaign shifted the emphasis from rugged, outdoors, individualism to popular, exciting, ladies' man. Joe Camel outperformed Bob Beck on many qualities, including "attractive to opposite sex." 507244164-4184 at 4170-4171 (U.S. Exhibit 68,244); 507211964-2061 at 1998 (U.S. Exhibit 66,470).

An R.J. Reynolds advertising research report entitled "1990 Perception Tracking Study Camel: 18-24 Males Emphasis vs. Opportunity Markets" stated that the perception was widespread that CAMEL is "a popular brand" and "a brand my friends would smoke." 509042482-2493 at 2490 (U.S. Exhibit 68,312).

A review of Camel in 1990 stated, "The CAMEL 'Smooth Character' campaign seems to deliver that sense of excitement and appeal to its target." 507302620-2687 at 2638 (U.S. Exhibit 68,249).

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A document entitled "Advertising Learning," that referred to the Smooth Character campaign as "one of the most memorable and involving print campaigns ever." 509617098-7105 at 7103 (U.S. Exhibit 68,351).

An R.J. Reynolds advertising research report dated January 2, 1991 entitled "Camel Evolved Smooth Character Advertising Evaluation Study," stated: "The Evolved Smooth Character campaign is particularly effective among smokers who reject traditional values." 509042745- 2841 at 2746 (U.S. Exhibit 68,313).

Q: Do you have further examples?

A: Just one, which I will discuss at more length. An October 1991 report from Ellison Qualitative Research to R.J. Reynolds regarding focus groups it had conducted on Camel advertising indicated the strong impact of the Joe Camel campaign. In a footnote, Ellison Research commented on the extraordinary power of the Joe Camel campaign:

> The details recalled and the strength of the favorable CAMEL advertising commentary were considerably beyond what is typically heard in focused groups –be it for cigarettes or other packaged goods—when awareness of/attitudes toward advertising –in the absence of stimuli—are explored.

509045372-5416 at 5392 (U.S. Exhibit 22,441).

The following statements are quotes from focus group members provided in the Ellison Research Report that illustrate the impact of the campaign on perceptions of Camel smokers.

> I've seen the CAMEL guy–the offbeat, not-real person character doing lots of different stuff–riding a Harley, playing in a blues band with the hard pack, sitting in a Jacuzzi, driving a hot car–I think it was a red Vet.
> . . .
> He's the type the babes love. . . . You can tell.
> . . .
> He's what guys really want to be–a Man's man but not super macho. . . .
> He's a natural leader–not pushy, but people just sort of follow his lead . .

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> .never gets stressed out—always real relaxed and easygoing . . . Best of all—he only does what he enjoys doing—the ultimate.
> . . .
> He's someone you can hang out with—He makes you feel comfortable . . .That's a real knack . . . I wish I could be so easy to talk to . . . I guess it's 'cause he's done and seen everything—He's got nothing to prove, so he never puts people off.
> . . .
> Never gets stressed out He can deal with whatever comes his way . . . If something doesn't work out—he just does something else—goes with the flow. . . No big deal to someone real flexible like he is.

509045372-5416 at 5392, 5393, 5394, 5395 (U.S. Exhibit 22,441).

***Rolling Stone*, June 14, 1990**
(ADV0070987-0989, U.S. Exhibit 1,809)

One significant comment regarded the extent to which the campaign communicated to young people that they could achieve the social success they desired by smoking Camel: "Seeing him do all these things . . . gives guys hope—that one day, if they make it—they can do whatever they enjoy most." 509045372-5416 at 5401 (U.S. Exhibit 22,441).

I have quoted these focus group comments at length in an attempt to convey just how real Joe Camel's attributes were to those young people surveyed by R.J. Reynolds. Although examination of these advertisements may not evoke admiration, enthusiasm, excitement, and so on among older adults, they had a strong impact on the young people who attended to them.

Q: Overall, what did the research that R.J. Reynolds conducted find?

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A: The Joe Camel campaign communicated to young people that the Camel smoker was popular with both girls and boys, was an amusing nonconformist, admired for his skill in music, sports, and gambling, and the many exciting things he did all over the world. By smoking Camel, young people could feel they shared in this exciting, admirable life. To paraphrase a R.J. Reynolds document, a young man could be the "me" Joe Camel was rather than the "me" he experienced himself to be. 503969238-9242 at 9239 (U.S. Exhibit 20,725).

Q: Does any empirical literature address whether the Joe Camel campaign was effective in reaching individuals under 18?

A: Yes. A published study concluded that Joe Camel was effective at reaching those under 18, and was especially effective in reaching younger teenagers. In a study conducted after implementation of the Joe Camel campaign, Evans et al. (1995) found that 35.9% of 12 and 13-year-olds named Camel as the brand in their favorite cigarette advertisement. Among 16 and 17-year-olds, 27.5% named Camels. When asked to name brands of cigarettes, 90% of 8 to 13-year-olds surveyed by *Advertising Age* named Camels and 73% mentioned Marlboro. Among the 14 to 18-year-olds, 83% mentioned Marlboro and 75% mentioned Camel. 2023924112-4112 (U.S. Exhibit 23,724).

Reports also indicated the success of the Joe Camel campaign in increasing Camel market share among those under 18. Reports from the Centers for Disease Control (MMWR, August 19, 1994) indicated that by 1993, 13% of 12 to 15-year-old smokers and 13.4% of 16 to 18-year-old smokers smoked Camels, while Camel's market share across all ages remained at 3.9%. 521890951-0955 at 0952 (U.S. Exhibit 66,555). In a peer-reviewed study, Pierce et al. (1991) found by 1990 that, among California 12- to 17-

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year-old smokers, 24.5% of boys and 21.7% of girls smoked Camel. However, among 18- to 24-year-old smokers, only 12.7% of males and 5.5% of females smoked Camel. VXA0104694-4698 at 4696 (U.S. Exhibit 72,785). Thus, the Joe Camel campaign was about twice as effective among those below 18 as it was among those over 18.

C. Campaigns Following the Joe Camel Campaign

Q: What campaigns followed the Joe Camel campaign?

A: I have reviewed advertisements and other materials related to two campaigns that followed the Joe Camel campaign: What You're Looking For, and Viewer Discretion/Mighty Tasty.

Q: Did R.J. Reynolds perform any research relevant to these campaigns?

A: Yes, it did. Research conducted in 1996 sought to identify emotional orientations that Camel advertising might emphasize, and defined the most important emotional orientations as: "(8) Individualism/Rebellion, (#5) Extreme/Edge, (#1) Spontaneity/Fun and (#11) Discovery/Change." 520668101-8180 at 8103 (U.S. Exhibit 68,829); also 520394664-520671346 at 394665 (U.S. Exhibit 68,820) and 516758723-8751 at 8725 (U.S. Exhibit 68,545).

Q: How is this research relevant?

A: In a document dated May 29, 1998, R.J. Reynolds stated that the What You're Looking For Campaign "felt to be deficient on engagement of consumers and not working hard enough in the communication of Camel's key positioning elements—i.e., fun, unexpected, irreverent, and humorous." 519961837-1887 at 1838 (U.S. Exhibit 68,814).

For this reason, R.J. Reynolds implemented the Viewer Discretion/Mighty Tasty campaign in 1998. R.J. Reynolds research on Viewer Discretion advertisements from

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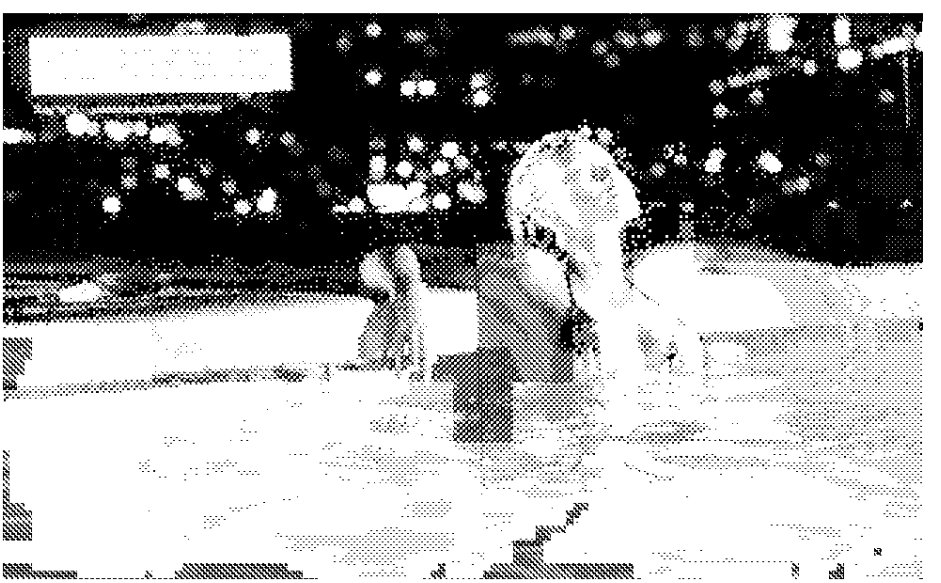
this campaign concluded that Viewer Discretion print advertisements conveyed "the humor, spontaneity, and fun of the Camel brand." However, the report states, "[the] franchise smokers had an extremely strong affinity for Joe," and the Viewer Discretion campaign "is not as engaging, relevant or motivating as Joe" and did not convey "fun and hip/cool" as well as Joe did. 519961737-1787 at 1739 (U.S. Exhibit 68,814).

Q: What do you conclude from these documents?

A: Since the end of the Joe Camel campaign, R.J. Reynolds' marketing has continued to associate Camel in its new campaigns with themes and images that appeal to adolescents, including irreverence, rebellion, spontaneity, and adventure, but has been frustrated in finding ways to equal the impact of Joe Camel in communicating that Camel smokers are fun, hip, and cool.

Q: What were the themes of the What You're Looking For campaign?

A: The main theme of What You're Looking For is sex appeal. The campaign associated Camels with very sensuous women and, occasionally, with handsome men. Here and on the next page are examples of advertisements from this campaign.



***Entertainment Weekly*, Dec. 1997-Jan. 1998** (ADV0590002-0004, U.S. Exhibit 12,769)

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Sports Illustrated, December 8, 1997 (ADV0270176-0178, U.S. Exhibit 9,653)

Sports Illustrated, April 6, 1998 (ADV0270310-0312; U.S. Exhibit 9,697)

Sports Illustrated, December 1997-January 1998 (ADV0270200-0202, U.S. Exhibit 9,661)

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Notice the hidden images of camels in the last two advertisements. In the first one, the camel is in the upholstery behind the woman. In the second, the smoke from the woman's mouth forms the shape of a camel.

Q: What were the themes of the Viewer Discretion Advised campaign?

A: Viewer Discretion consisted of shocking, irreverent, or amusing events such as the story told by the advertisement on this page. Clearly, the farmer has caught the attractive young man with his very attractive and alluring daughter. The old farmer is shown as the kind of person many rebellious young men would like to "put one over on." The advertisement is high in sensation value, due to its surprising and humorous nature. It associates Camel with numerous themes of interest to adolescents including sexual attraction, good looks, defiance of authority, excitement, and humor.

***Sports Illustrated*, July 20, 1998** (ADV0270423-0425; U.S. Exhibit 9,731)

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The next advertisement is also high in sensation value, with surprising, eye-catching content. The couple runs to their shelter before the meteor hits, but makes sure they have plenty of Camels.

The "Viewer Discretion" panel in each advertisement mocks the Surgeon General warning. This spoof would amuse a rebellious young person. The spoof communicates that one can laugh at such warnings.

***Rolling Stone*, December 24, 1998-January 7, 1999** (ADV0100009-0011; U.S. Exhibit 2,476)

Q: What do you mean by sensation value?

A: Sensation value is the degree to which something contains highly stimulating (i.e., surprising, shocking, or amusing) images. The surprising nature of the previous advertisements makes them high in sensation value. Palmgreen, Donohew, Lorch, Hoyle, & Stephenson, 2001 (VXA0104376-4380, U.S. Exhibit 72,761); Kopstein, Crum, Celentano, & Martin, 2001 (VXA0104098-4106, U.S. Exhibit 72,740); Kraft & Rise,

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1994 (VXA0104134-4141, U.S. Exhibit 72,743); Skara, Sussman, & Dent, 2001 (VXA0104853-4862, U.S. Exhibit 72,800); Zuckerman, 1994 (VXA0130490-0523, U.S. Exhibit 72,935).

Similarly, themes of risk taking and rebelliousness make Camels appealing to youth high in these traits. Burt, Dinh, Peterson, & Sarason, 2000 (VXB3210046-0056, U.S. Exhibit 72,857).

D. Winston

Q: What documents did you review for the R.J. Reynolds Winston brand?

A: I reviewed documents involving planning and research for the Winston brand and numerous advertisements for Winston, spanning the early 1970s to the present. In addition, I reviewed many of the more-general R.J. Reynolds documents that discuss the Winston brand.

Q: What did you conclude from your review of these materials?

A: I concluded that, in marketing its Winston brand, RJ. Reynolds has associated the brand with themes and images that are appealing to adolescents. The primary images R.J. Reynolds has associated with the Winston brand have varied over the years. In the 70s and 80s, R.J. Reynolds' advertising of the Winston brand associated Winston with images of masculinity, self-confidence, and independence. In the late 90s, the No Bull campaign associated the brand with images of self-confident young women and young men. The most recent campaign, Leave the Bull Behind, associates the Winston brand with romance and escape.

Q: What is the basis for your conclusion?

A: I base this conclusion on my review of internal R.J. Reynolds marketing documents, its advertisements for Winston, and my training and experience as a psychologist and researcher.

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Q: Dr. Biglan, have you created a chart to illustrate the various documents that support your conclusions concerning R.J. Reynolds marketing of the Winston brand?

A: Yes, I have. It is Demonstrative 20.

1. Winston in the 1970s and 1980s

Q: Do any documents support your conclusion that R.J. Reynolds associated Winston with masculinity in the 1970s and 1980s?

A: Yes. Research documents from the files of R.J. Reynolds reveal that R.J. Reynolds evaluated whether its marketing for Winston communicated masculinity. A January 26, 1978 report prepared for R.J. Reynolds discussed the results of focus group research concerning the Winston image. Respondents stated that the Winston man was "studly," "macho," "rugged," "a real man," "lover," "Ladies man." He also appeared as sincere, competent, believable, independent, committed, but also relaxing casual, and loose. 506052134-2157 at 2148-2149, 2150-2151 (U.S. Exhibit 68,180).

Q: How is this document relevant to your conclusion that R.J. Reynolds associated the Winston brand with themes and images that are appealing to adolescents?

A: It shows that R.J. Reynolds' marketing for Winston during this period was effective in conveying a masculine image of the Winston smoker.

Q: Can you provide examples of Winston advertisements that associate the brand with images of masculinity?

A: Here are two advertisements from the 1970s that associate masculinity with the Winston brand. The 1977 *Sports Illustrated* advertisement reads: "When your taste grows up, so should your cigarette."

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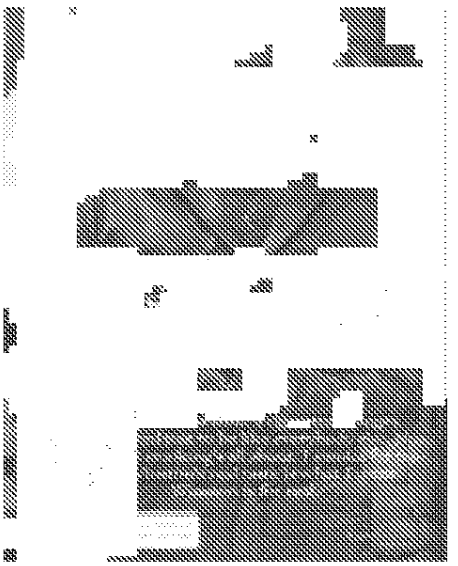
A masculine logger is pictured in the 1979 *Rolling Stone* advertisement with the message that being rugged and grown up involves smoking Winston.



***Sports Illustrated*, 1977** (ADV0161270-1272, U.S. Exhibit 5,328)

***Rolling Stone*, 1979** (ADV0040122-0124, U.S. Exhibit 413)

Q: Did other Winston advertisements from the 1980s emphasize the theme of masculinity?

A: Here is an advertisement from a 1985 *Rolling Stone*. It shows a man on top of a mountain with a helicopter in the background, implying Winston smokers are skilled and handsome men who work in dangerous and exciting settings.

A two-page advertisement from a 1983 *Rolling Stone* shows two rugged men who are apparently about to go out on a dangerous mission.

***Rolling Stone*, 1985** (ADV0060286-0288, U.S. Exhibit 1,240)

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***Rolling Stone*, 1983** (ADV0050118-0120, U.S. Exhibit 809)

2. *No Bull Campaign*

Q: Dr. Biglan, when did R.J. Reynolds use the "No Bull" campaign for Winston?

A: In 1998.

Q: What themes did the No Bull campaign convey?

A: R.J. Reynolds conveyed that a Winston smoker is self-confident and independent through its No Bull campaign. Advertisements for this campaign depicted feisty and assertive people stating their liking for Winston cigarettes.

Q: Did R.J. Reynolds conduct research on its No Bull campaign?

A: Yes. As shown in Demonstrative 20, R.J. Reynolds conducted a number of studies on the perceptions of Winston and whether the No Bull advertising campaign effectively communicated the themes of self-confidence and independence.

For example, a November 8, 1996 R.J. Reynolds marketing research report, "Winston MM 4Q Revised Advertising Communication Test Results," evaluated eight advertisements

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in a copy test study in which they assigned 75 smokers to view each advertisement. R.J. Reynolds researchers concluded that the two strongest advertisements were Real Man and Bull Dog.

The report showed:

> Both these ads communicate a strong user image of one who is confident, decisive, knows what he/she wants, and is unapologetic about going after it. At the same time, this person is portrayed with an approachable personality that is not off-putting to either gender of respondent…. Both males and females sparked to the Real Man ad (depicting a confident but approachable woman).

520421695-1700 at 1697 (U.S. Exhibit 71,115).

Q: Did R.J. Reynolds conduct any additional research on its No Bull campaign?

A: Yes R.J. Reynolds' market research department conducted a January 8, 1999 Winston/ Marlboro Image Study that obtained in-depth information about the perceptions of 125 smokers, divided among those who usually smoked Winston, those who smoked only Marlboro, and those who usually smoked Marlboro but sometimes smoked Winston. R.J. Reynolds designed the study to "understand the relative strengths and weaknesses of Winston and Marlboro positionings in terms of brand image, user image, and product image." The study concluded, "Both brand equities [i.e., Marlboro and Winston] project a confident 'stand up' guy. And, Marlboro offers more fun, versatility, and inclusion." Moreover, R.J. Reynolds researchers found that Marlboro loyalists associated the Winston "No Bull" image with "smart ass confident, tells people off, set in his ways, like his father." Thus, they concluded that the No Bull campaign failed to achieve an image of Winston smokers that was more attractive than the image of the Marlboro smoker. 519923696-3787, at 3697, 3698, 3698 (U.S. Exhibit 68,740).

Q: How are these documents relevant to your conclusion?

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A: They show that the No Bull campaign was successful in conveying an image of the Winston smoker as self-confident and independent, traits that are important to most adolescents.

Q: What, if any, documents have you reviewed from other companies about the No Bull campaign?

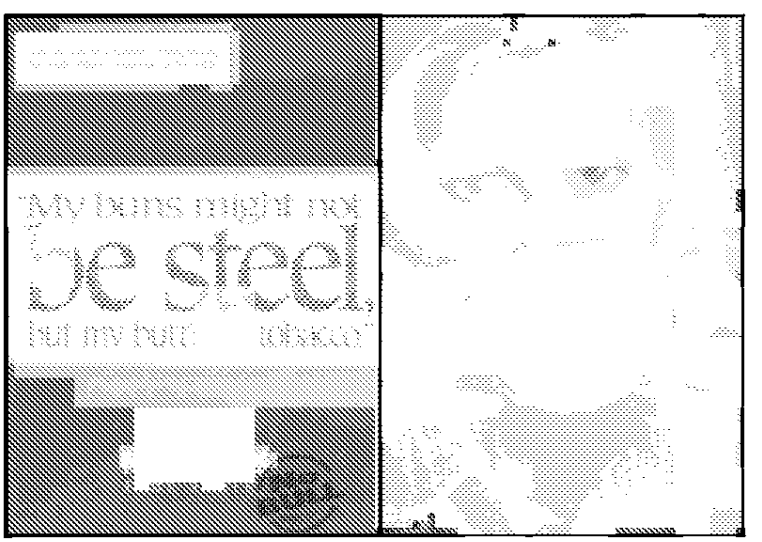
A: Brown & Williamson did an assessment of the impact of the No Bull campaign, using focus groups of smokers. The document reporting on that assessment stated:

> It is important to note that most younger adult respondents responded positively to the new product proposition, the new packaging, and the advertising executions. If nothing else, RJR was successful in creating a campaign that appeals to this demographic segment.

313010916-0941 at 0923 (U.S. Exhibit 67,799).

Q: Can you show examples of advertisements from the No Bull campaign?

A: Here are two examples that associate the Winston brand with images of self-confident and independent young men and women. The first, from *Cosmopolitan*, depicts a feisty, attractive, and independent women who is self-confident and in control.



***Cosmopolitan*, 1998** (ADV0490004-0006, U.S. Exhibit 11,870)

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The other, from *Hot Rod*, shows a man with a tattoo of a woman on his arm, which he calls his "feminine side." The message is that he is unambiguously and uncompromisingly male.

***Hot Rod*, 1998** (ADV0840031-0033, U.S. Exhibit 14,485)

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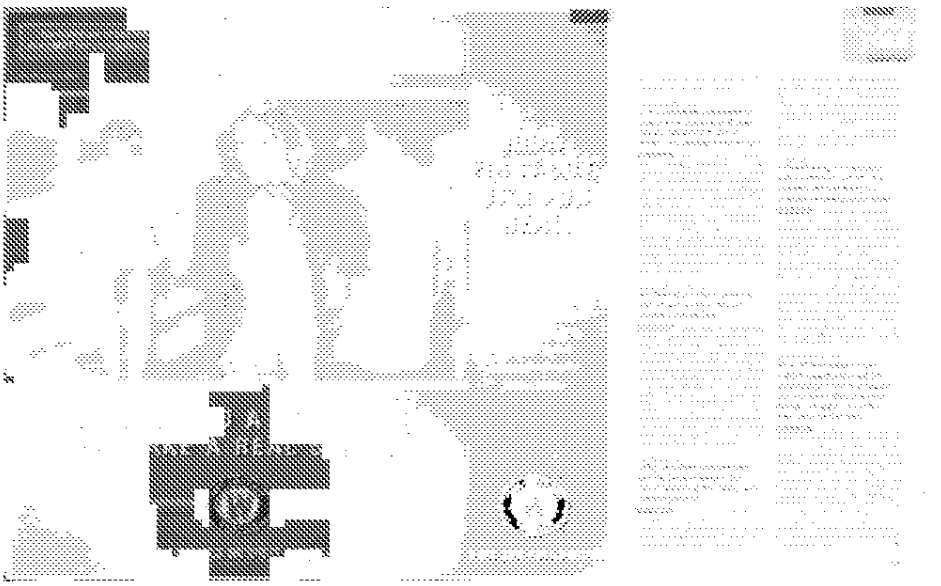
1 **Q: Can you show examples of advertisements from the "Real Man" campaign?**

2 A: Here are two examples, one from Glamour, the other from In-Style.



Glamour, September 2000 (ADV03100120016, U.S. Exhibit 10,645)

***In-Style*, April 1999** (ADV08500149-0151, U.S. Exhibit 14,621)

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3. *Leave the Bull Behind*

Q: What themes does R.J. Reynolds' current campaign for Winston, Leave the Bull Behind, convey?

A: R.J. Reynolds's most recent campaign for Winston, Leave the Bull Behind, associates the brand with romance and escape through the images contained in the print advertisements associated with this campaign.

Q: Can you provide examples of advertisements from the Leave the Bull Behind campaign?

A: Yes. In this ongoing campaign, R.J. Reynolds associates Winston with sexy images of handsome and muscular young men and alluring and self-young women. The first advertisement, shown here, which appeared in *Entertainment Weekly, People, GQ,* and *Playboy,* depicts a couple on a beach in a romantic encounter. The next advertisement appeared in *Cosmopolitan* and in *Playboy* in 2003. It depicts three well-built surfers on a beautiful beach at sunset.

***People*, May 5, 2003** (ADV0330082-0084, U.S. Exhibit 10,734)

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Cosmopolitan, **May 2003** (ADV04907230725 (U.S. Exhibit 12,088)

Q: What, if anything, is significant about the models used in these advertisements?

A: In neither of these advertisements is it possible to tell the age of any of the models. The Cigarette Advertising Code issued in 1964 states that:

> Natural persons depicted as smokers in cigarette advertising shall be at least twenty-five years of age. . . . Fictitious persons so depicted in the form of drawings, sketches or any other manner shall appear to be at least twenty-five years of age.

MNAT00608606-8614 at 8610-11 (U.S. Exhibit 21,228).

If one purpose of the Cigarette Advertising Code was to prevent advertisements from depicting any smoker under 25, these advertisements failed to achieve that outcome.

Q: Do these advertisements for the Leave the Bull Behind campaign meet adolescent needs?

A: Yes. The first advertisement depicts a romantic encounter that both adolescent boys and girls would find appealing. As I testified earlier, adolescents are interested in clues about how they

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can be sexually attractive. The second advertisement associates the excitement of surfing and the escape and romance of a beach with the Winston brand.

4. Auto Racing

Q: What other aspects of R.J. Reynolds marketing of Winston did you examine?

A: Another important facet of Winston marketing is its association with sports, including NASCAR racing.

Q: What is the purpose of R.J. Reynolds' sports marketing activities?

A: As I testified above in discussing both Marlboro and Kool advertising, auto racing is a particularly rich source of images of excitement for many and adolescents are high in their need for excitement. Winston's association with racing is a particularly good way speak to this need. Additionally, most adolescents are for the first time beginning to drive and for that reason, many are fascinated with cars.

Q: What do documents state about the purpose of R.J. Reynolds' sports marketing?

A: A document dated May 16, 1996 presents the vision for Sports Marketing Enterprises (SME): "To maintain and develop a world-class sports marketing organization to maximize R.J. Reynolds Tobacco Sports Marketing efforts…" The objective of Sports Marketing is to "[i]ncrease sponsoring brand's share of market among attendees and enthusiasts within each event." 518096996-7009 at 6997, 6996 (U.S. Exhibit 68,706).

Q: Can you provide examples of advertisements that associate the Winston brand with auto racing?

A: Yes. First, I show an advertisement from a 2000 *Sports Illustrated.*

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***Sports Illustrated*, 2000**
(ADV02712071209, U.S. Exhibit 9,983)

The second advertisement, from a 1998 *Sports* Illustrated, features five top racecar drivers. The advertisement pairs Winston with not only the excitement that auto racing evokes in many people, but also the skill, success, and celebrity of these drivers.

***Sports Illustrated*, 1998**
(ADV02705350537, U.S. Exhibit 9,767)

Articles in magazines and newspapers also associate the Winston brand with images of exciting auto racing and skilled drivers. For example, below is an article in *Sports Illustrated* showing Cale Yarborough, a very successful racecar driver, wearing a Winston cap, and discussing the Winston cup race.

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Sports Illustrated, **1999** (ADV0271155-1157, U.S. Exhibit 9,967)

Q: Do Winston's racing-related advertisements and other activities adress adolescent needs?

A: Yes. The sponsorship of auto racing associates Winston with the excitement of racing, the camaraderie of its fans, and the celebrity of successful drivers. Through these associations smoking Winston is established as one way to fulfill needs for excitement, risk taking, and popularity.

Q: Has Winston been successful in increasing its market share among adolescents?

A: No. I have not seen data indicating that Winston increased its market share among adolescents.

Q: Does this contradict your conclusion that Winston campaigns have communicated themes that meet adolescent needs?

A: No. Internal R.J. Reynolds documents I reviewed illustrate that the No Bull campaign, for example, was successful in associating the brand with images of self-confidence. I also have

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no doubt that, if R.J. Reynolds assessed the impact of the campaign on adolescents, it would have found the same results. However, R.J. Reynolds's research showed that, despite improvements in the image of Winston, the Marlboro brand still outperformed it. For example, the February 19, 1996 document I cited that reported on the impact of the No Bull campaign, stated, "Winston No Bull advertising was highly successful in dramatically improving the brand's appeal and attitudes vs. ingoing perceptions." It added, however, "the ubiquity of the Marlboro image and equity creates base perceptions…that are enormously high/positive. As a result, the advertising does not enhance the brand's overall image, and in fact falls considerably below it." 519923354-3416 at 3355 (U.S. Exhibit 52,426).

E. Salem

Q: Did you review materials relating to R.J. Reynolds's Salem brand?

A: Yes, I looked at internal R.J. Reynolds marketing documents and advertisements for Salem.

Q: What, if any, conclusions did you draw from your review of these materials?

A: I concluded that, in marketing its Salem brand, R.J. Reynolds has associated the brand with themes and images that meet adolescent needs.

Q: What themes and images has R.J. Reynolds associated with the Salem brand?

A: The primary themes and images have varied over the years, depending on the campaign, and not every campaign has included adolescent-relevant themes and images. The first set of advertisements that I will present used masculine imagery to convey that the Salem smoker was an attractive man. A later campaign used images of attractiveness, having fun, and having friends. Finally, the most recent campaign conveys an image of Salem as the brand for trendsetters who are into stimulation and new experiences.

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Q: Dr. Biglan, have you created a summary chart showing documents that support your conclusions relating to Salem?

A: Yes, I have. It is Demonstrative 21.

1. *Enjoyment Campaign*

Q: What is the first Salem campaign you will discuss?

A: The Enjoyment Campaign in the mid and late 1970s, which associated Salem with masculinity.

Q: Can you provide examples of documents that support your conclusion?

A: Yes. An R.J. Reynolds management summary for the Salem brand described plans for creative development in 1977-1979. Among the desired characteristics of the creative execution were "[m]ore 'real', masculine, emulatable models." 501162135-2173 at 2157 (U.S. Exhibit 78,790).

An R.J. Reynolds document, "Salem Brand Review 20-Year Marketing History," described the "creative strategy" for the Enjoyment campaign as follows: "Create a positive/clearly defined brand user image: Masculine, active, contemporary, emulatable." 520371448-1628 at 1580 (U.S. Exhibit 71,114). The document also indicated that focus group research found "young smokers strongly attracted to models" and "[b]rand SOM among younger smokers showing increasing strength," and finally, "[r]esearch shows advertising campaign effectively correcting previous problems: Brand image more contemporary." 520371448-1628 at 1583, 1587, 1608 (U.S. Exhibit 71,114).

A 1976 document entitled "Total Salem Brand Marketing Plan" described the effort to improve the brand on images of masculinity:

> Salem brand, as well as the user of the brand, was perceived as being old-fashioned, passive, feminine, and not compelling. Through an emphasis on male

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models/personalities and by visualizing the Salem smoker as very young, contemporary, active, and appealing, the 'Enjoyment' campaign seeks to overcome these negatives.

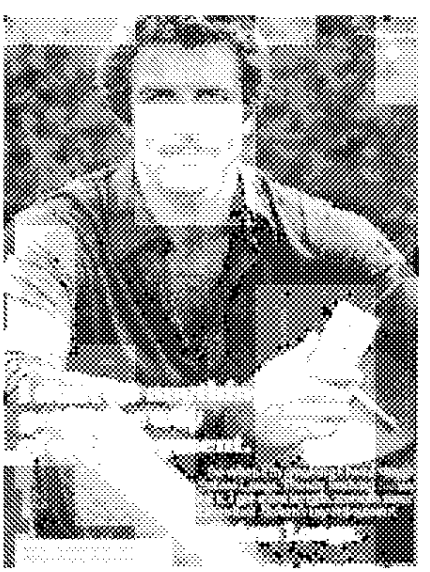
501156901-501156934 at 6906 (U.S. Exhibit 48,727)

Q: What do these documents demonstrate?

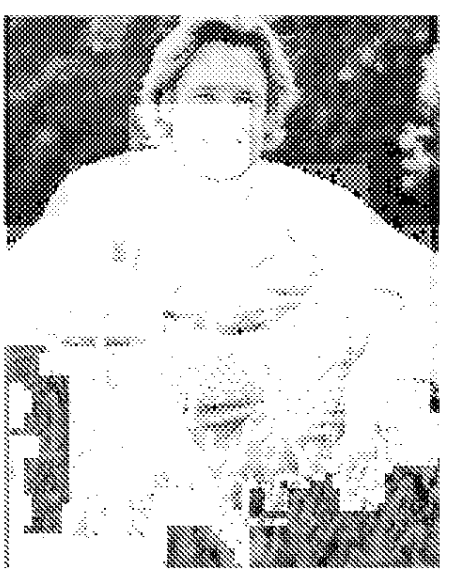
A: They show that R.J. Reynolds was trying to create advertising that would associate Salem with masculinity by showing masculine and "emulatable" models. There was also an emphasis on keeping the image of the Salem smoker "very young, contemporary, active, and appealing."

Q: Can you provide examples of Salem advertisements from the Enjoyment campaign?

A: Examples of advertisements from the Enjoyment campaign are below. Note that Tom Selleck (before his TV fame) was one of the so-called "emulatable" models in these advertisements. As I testified earlier, most adolescent boys are concerned about being masculine and actively seek models of masculinity they can emulate. These men in these photos communicated to these boys that they could be handsome and manly by smoking Salem.



***Sports Illustrated*, 1977** (ADV0161177-1179, U.S. Exhibit 5,297)



***Rolling Stone*, 1975** (ADV0030286-0289, U.S. Exhibit 75)

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2. *Salem Spirit Campaign*

Q: What is the next R.J. Reynolds Salem campaign that you will address?

A: During the 1980s, R.J. Reynolds implemented the Salem Spirit Campaign.

Q: What themes were associated with this campaign?

A: Through its Salem Spirit campaign, R.J. Reynolds conveyed that Salem smokers are attractive, have fun, and have friends.

Q: Can you provide examples of advertisements from the Salem Spirit campaign?

A: Yes. Following are four examples of these advertisements. All of these appeared in *Rolling Stone*. In each, a group of attractive young people is having fun in a recreational setting. Notice how muscular the men are in the tug of war; most adolescent males would find these physiques greatly desirable.

***Rolling Stone*, 1983** (ADV0050487-0489, U.S. Exhibit 932)

***Rolling Stone*, 1984** (ADV0050706-0708, U.S. Exhibit 1,005)

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All of these advertisements contain images that would have appealed to adolescents in the time period in which they were run. Most adolescents would like to look like the models in these advertisements, would like to be in the recreational situations that these models are in, and would like to have the social and athletic skills that these advertisements communicate that these young people have.

***Rolling Stone*, 1984**
(ADV0050628-0630, U.S. Exhibit 979)

***Rolling Stone*, 1984**
(ADV0050946-0948, U.S. Exhibit 1,085)

Q: In addition to running these Salem Spirit print advertisements, did R.J. Reynolds conduct other Salem marketing at this time?

A: Yes. The Salem Spirit campaign also included substantial efforts to promote Salem at spring break in vacation areas of the country.

Q: Do documents discuss R.J. Reynolds' promotion of Salem during spring break?

A: Yes. In one document, entitled Salem Spirit Spring Scene '83, dated December 14, 1982, R.J. Reynolds described its plans to reach target smokers during spring break, and discussed "Salem Spirit Travel Kits," which included a t-shirt, towel, playing cards, magazine, etc., that

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were to be distributed by travel agents. R.J. Reynolds also planned Salem-sponsored events at spring break locations and planned to distribute 300,000 other kits. In these kits, R.J. Reynolds provided a coupon book, an area map (that highlighted Salem promotion events in the area), and a special Salem Spirit Button Game. R.J. Reynolds also advertised Salem cigarettes in Spring Spirit Magazine, distributed free of charge to 250,000 spring break vacationers. 503704778-4800 at 4783, 4785, 4786 (U.S. Exhibit 50,420).

Q: Did these promotional activities reach young people?

A: According to the internal documents I reviewed, Salem's spring break promotion was quite successful in reaching young people. R.J. Reynolds evaluated the impact of Salem's spring break promotional activities by phoning a sample of the young people who had signed up with R.J. Reynolds at one of its promotions. A Marketing Research Report dated June 28, 1983 entitled Salem Spring Resort Awareness/Attitude/Memorability Study prepared by the R.J. Reynolds Marketing Development Department indicated:

> The Spring Resort Program provided Salem an opportunity to reach over 1.0 mm [a million] target young adults (18-24) concentrated in a minimal number of markets … it was possible that Salem reached these target consumers three to four times a day through retail promotions, sampling, imagery enhancement activities, special media publications, concerts and free premium items.

503588196-8201 at 8198 (U.S. Exhibit 50,415).

Q: Was R.J. Reynolds' spring break promotion consistent with the industry's Advertising Code?

A: The Cigarette Advertising Code of 1964 promised that cigarette companies would not promote cigarettes to college students: "No sample cigarettes shall be distributed or promotional efforts conducted on school, college, or university campuses, or in their facilities, or in fraternity or sorority houses." MNAT 00608606-8614 (U.S. Exhibits 21,228; 78,779).

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Yet, as the above report on R.J. Reynolds's Salem promotion shows, R.J. Reynolds not only targeted college students on their spring break, it was quite successful in reaching them.

Q: How is R.J. Reynolds' spring break promotion relevant to your conclusion that R.J. Reynolds associated Salem with themes and images that are appealing to adolescents?

A: The Salem Spirit promotion associated smoking Salem with all of the partying, good times, and boy-girl encounters that are typical of spring break vacations among young people. It thereby enhanced the image of the brand on attributes including fun, excitement, and popularity. Each of these attributes made the brand more appealing to adolescents looking to meet their psychological needs for those very qualities.

3. *Green Campaign*

Q: What is the next Salem campaign you will discuss?

A: During the mid and late 1990s, R.J. Reynolds developed the Green campaign. Internal R.J. Reynolds' documents demonstrate that R.J. Reynolds wanted the Green campaign to appeal to smokers who were younger than Salem's current smokers. For example, an October 1999 report prepared by Strategy Research Corporation for R.J. Reynolds entitled "Quantitative Research among Current Salem Female Smokers" stated: "The new brand proposition has a young appeal and it will target mainly the YAS segment of the market comprised of menthol smokers between 18 to 24." 526173153-3206 at 3156 (U.S. Exhibit 68,911).

An October 24, 1996 research report prepared for R.J. Reynolds indicated that the MVP (Motivating Values Positioning) Green campaign:

> [R]epositions Salem as the owner of the primary menthol attributes and benefits of cool and fresh by providing the first translation of these key menthol product attributes into relevant and compelling imagery among 21-24 year old smokers…. Exclusively developed for 21-24 competitive smokers.

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516937537-7833 at 7539 (U.S. Exhibit 68,552).

A May 30, 1997 report from the Marketing Research Department at R.J. Reynolds entitled "Salem 'Green' Campaign Print Advertising Sift Test" indicated that "[s]uccessful print ads will portray Salem as the 'Unexpected Cool' menthol cigarette that will redefine the menthol experience into the 21st century for 21-30 year old smokers." 516757613-7615 at 7614 (U.S. Exhibit 71,110).

Other documents showing that the Green campaign targeted younger smokers are in Demonstrative 21.

Q: What themes and images did R.J. Reynolds' Green Campaign associate with the Salem brand?

A: The campaign conveyed an image of Salem as the brand for trendsetters who want stimulation and new experiences, a brand image of being contemporary, in-style, and exciting. A 1997 document entitled Salem Repositioning describes 21 to 24-year-old Menthol smokers as "Experiential; Wired for discovery, 'Up' and tuned in; [and] Not afraid to change." The document states, "Menthol as an 'attitude':—More 'up' and stimulating; More experiential; More sensory/sensational; [and] Less expected." 519851127-1158 at 1129, 1130 (U.S. Exhibit 68,739).

Q. Do these attributes meet adolescent needs?

A. Yes. These attributes would appeal to adolescents who are high in sensation or novelty seeking and those who hope to achieve popularity with their peers through an image of being a trendsetter, i.e., being "in," hip, or cool.

Q: Can you provide examples of this Green campaign for Salem?

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A: Yes. The first is an advertisement from *Rolling Stone* in 1999. The two next pages show the layout of this four-page advertisement. Before opening up to the two-page centerfold, the first page shows a small symbol that looks like a mirror or a bubble. The symbol is actually on the page underneath; the first page is cut to reveal the symbol on that page. When readers turn the first page, they see that the symbol is something other than what they expected – it is part of a necklace around the neck of a smoking woman. The Tagline is "It's not what you expect." The fourth page of the advertisement depicts only a larger photo of the new Salem pack.

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***Rolling Stone*, 1999** (ADV0100030-0036, U.S. Ex 2,483)

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Here is a similar four-page advertisement for the Salem brand from a 1999 issue of *Vogue*. As with the previous advertisement, this is a four-page spread in which I show the adjacencies to the first and last pages of the Salem advertisement.

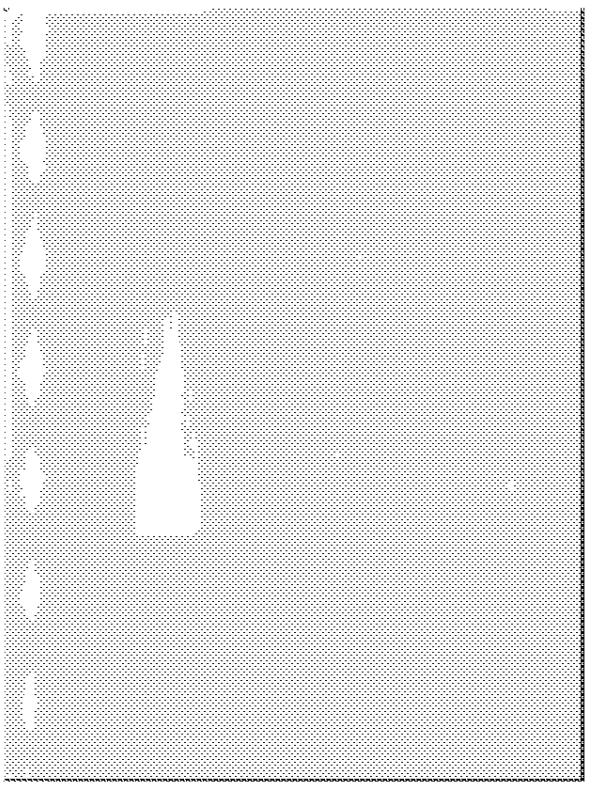
***Vogue*, September 2000** (ADV0470438-0444, U.S. Exhibit 11,555)

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Substantial portions of www.industrydocuments.ucsf.edu/docs/tgjl0001

***Vogue*, September 2000** (ADV0470438-0444, U.S. Exhibit 11,555)

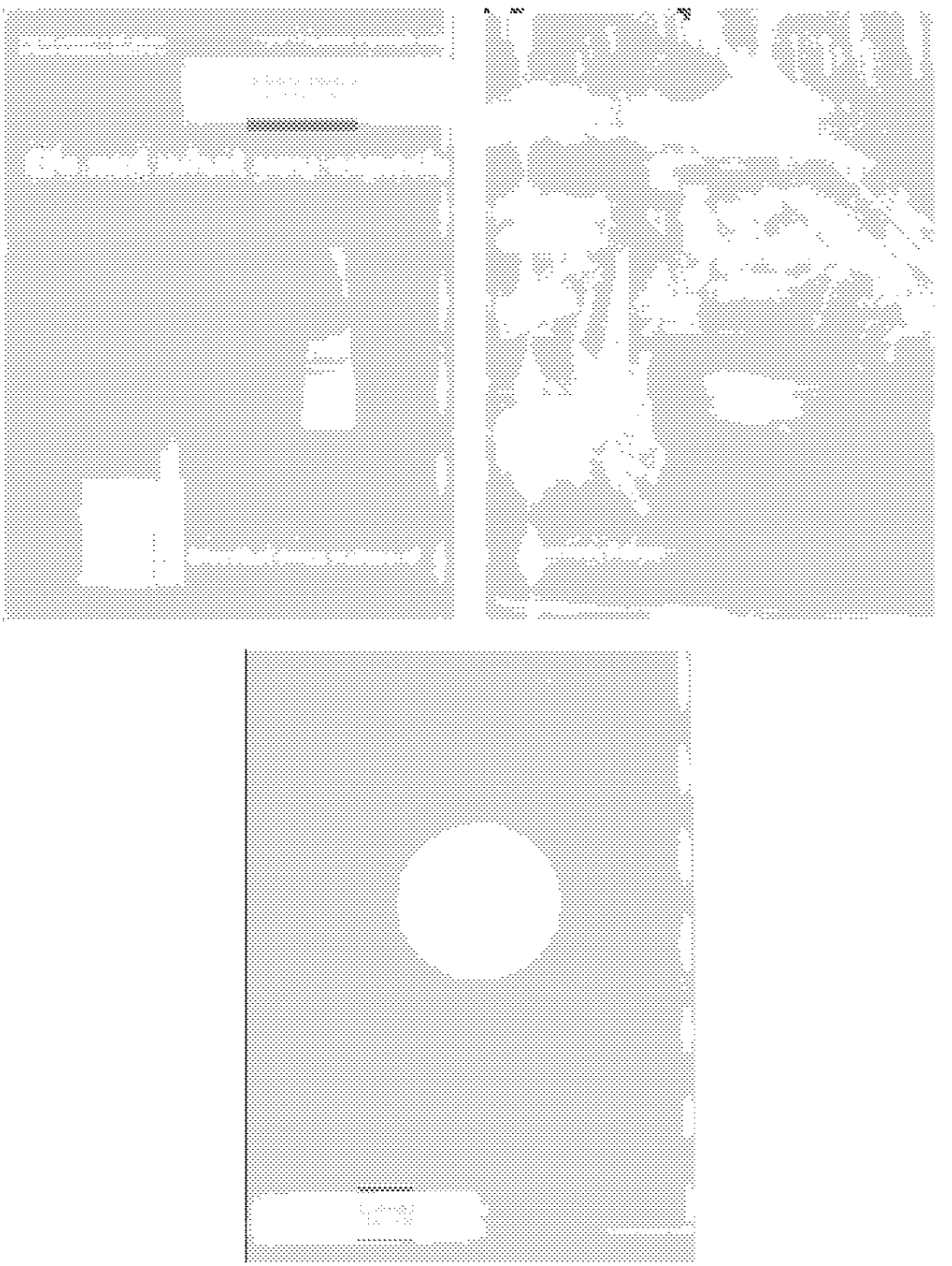
http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Substance http://www.industrydocuments.ucsf.edu/docs/tgjl0001

A four-page advertisement from a 1999 issue of the men's magazine, *Maxim*, is next. I have not shown the adjacent pages for this advertisement, since I hope the above description makes clear how R.J. Reynolds presents the advertisement.



***Maxim*, 1999** (ADV0540007-0012, U.S. Exhibit 12,564)

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Available from www.industrydocuments.ucsf.edu/docs/tgjl0001



***Maxim*, 1999** (ADV0540007-0012, U.S. Exhibit 12,564)

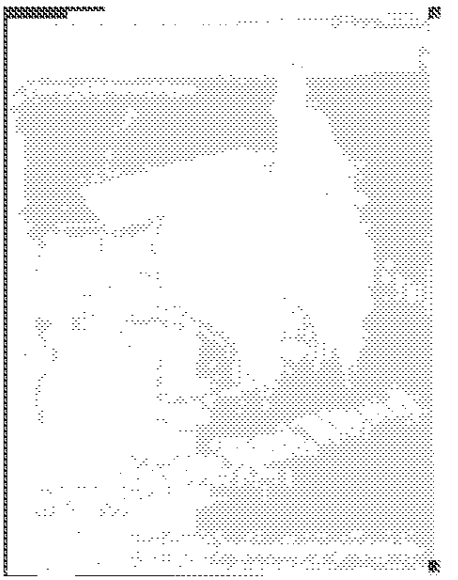
http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Substance http://www.industrydocuments.ucsf.edu/docs/tgjl0001

Q. Did the Green campaign also involve pack redesign?

A. Yes. The Green campaign also involved two redesigns of the Salem pack.

The first redesign is shown here in an advertisement from a 2000 issue of *Sports Illustrated.*

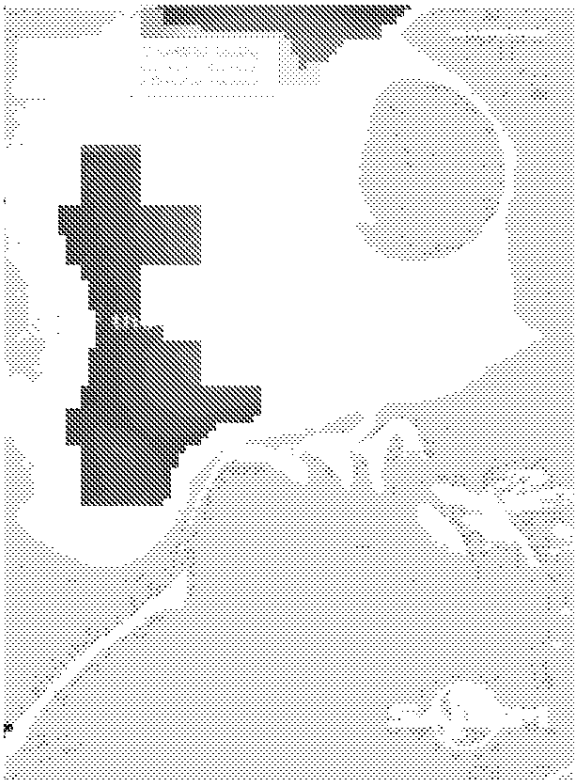
However, by 2003, R.J. Reynolds had redesigned the pack again, as shown in the advertisement below, from a 2003 *People* magazine.



***Sports Illustrated*, 2000** (ADV0271462-1465, U.S. Exhibit 10,048)

***People*, 2003** (ADV0330110-0112, U.S. Exhibit 10,744)

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf Substantial portions of www.industrydocuments.ucsf.edu/docs/tgjl0001



***Cosmopolitan*, 2003** (ADV0350019-0021, U.S. Exhibit 10,774)

***Car & Driver*, 2000** (ADV0750216-0218 (U.S. Exhibit 14,076)

Q. Did the campaign further change?

A. The campaign introduced two new taglines, "Step Inside," and "Stir the Senses," as shown in the following two advertisements.

Q: Did R.J. Reynolds do any research to determine whether the Green campaign was effective in conveying the themes you have described?

A: Yes. An October 24, 1996 R.J. Reynolds document entitled "Salem Ad Test: Salem Innovations vs. MVP," described the results of executions of the Green campaign with those of an alternative R.J. Reynolds was considering. "Among 21-24 year olds, MVP was better on "Cool, in style, contemporary; Different, unique; youthful; bold, free-spirited; and wild, crazy, bizarre." More than 50% of 21-24 year olds attributed the following attributes to the

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Green campaign: "In tune with what's happening, Do their own thing; Free spirited and fun." Sixty-six percent of this age group checked hip/cool in describing the Green campaign and 66% checked fun. 516937537-7833 at 7591, 7593 (U.S. Exhibit 68,552).

In March 1999, Dennis and Company Research evaluated six taglines and compared the pack graphics for the two packs shown above. They reported to R.J. Reynolds that two taglines, "Ignite the Senses" and "Step Inside" had the most positive ratings. These taglines were highly rated among 21 to 29-year-old smokers of rival brands on the following attributes: "Has a cool, up-to-date feeling; Gives you a strong sense of adventure; Lets you use your imagination;" and "Has an exiting [sic], energetic feeling." Regarding the comparison of packs, Dennis and Company reported to R.J. Reynolds that the newer pack design scored significantly higher than the old one did on: "modern/up-to-date; unique looking; bold; proud to carry; high quality looking, and masculine looking." 520345993-6072 at 6010, 6031 (U.S. Exhibit 68,816).

I have included additional documents showing that the Green campaign was successful in conveying these image attributes in Demonstrative 21.

Q: Do documents from other companies discuss the Green campaign?

A: Yes. A memorandum on Leo Burnett letterhead describes the results of three focus groups conducted by Philip Morris Research in New York City among "YAMS" 21-29. These focus groups were held to evaluate Salem's It's Not What You Expect advertisements that were part of the Green campaign. The memo stated:

> While respondents seemed to understand that this was something different from Salem, the campaign did not resonate with any of the groups and was seen as 'trying too hard,' 'over the top,' and for adult smokers 'younger' than themselves.

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Unlike those who were not aware of the campaign, those who were aware of it, described "Salem as a cigarette for 'clubgoers, male or female,' 'trendy people' or 'wannabes.'" LB0068733-8759 at 8733, 8734 (U.S. Exhibit 58,932).

Q: What do these documents demonstrate?

A: The R.J. Reynolds's research documents and the Leo Burnett document show that the Green campaign was successful in associating the Salem brand with images that appeal to adolescents.

Q. Why would these images appeal to adolescents?

A. Attributes such as "cool, up-to-date," "sense of adventure," and "exciting" are important to many adolescents. As I testified earlier, adolescents have a strong need for acceptance by their peers; keeping up with the latest trends and fashions is a key part of achieving that acceptance. Teenagers feel their peers are more likely to accept them if they are involved in activities and fashions that their peers see as "in," exciting, up-to-date, edgy, and cool. A brand that is "modern and up-to-date" is one that young people would be "proud to carry" because it could enhance their image with peers as being "hip" or "cool." R.J. Reynolds research shows that the Green campaign was successful in communicating that the Salem brand had all of these attributes. The Green campaign also associated Salem with images that communicated that a young person could achieve peer acceptance by smoking Salem.

F. Vantage

Q: Have you examined the advertisements of any other R. J. Reynolds brands?

A. Yes. I have looked at a sample of magazine advertisements for the Vantage brand.

Q. Why did you look at advertisements for this cigarette brand?

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A. I wanted to see whether R.J. Reynolds' marketing of a brand that was not popular among youth contained themes and images that would appeal to adolescents.

Q: What evidence is there that Vantage is not a youth-popular brand?

A: A study in *Morbidity and Mortality Weekly Report*, a publication of the Center for Disease Control and Prevention, presented evidence from 1993 on the market share of various brands among 12 to 18 year olds in the United States. Vantage was not among the seven brands listed as having 0.3% or more of the market in this age group. (MMWR, 1994) (U.S. Exhibit 63,106).

Q. What did you conclude from looking at these Vantage advertisements?

A. I concluded that, in its marketing of the Vantage brand, R.J. Reynolds seldom uses themes or images that would appeal to adolescents.

Q. Can you provide examples of R.J. Reynolds advertisements for Vantage?

A. Yes. As you can see from the following advertisements, only two even include a person in the advertisement. These advertisements say that Vantage is a low tar cigarette. One of these does have an element of excitement—namely the glider – although it does not show any people. However, none of the other advertisements associates smoking Vantage with any themes or images that would appeal to adolescents.

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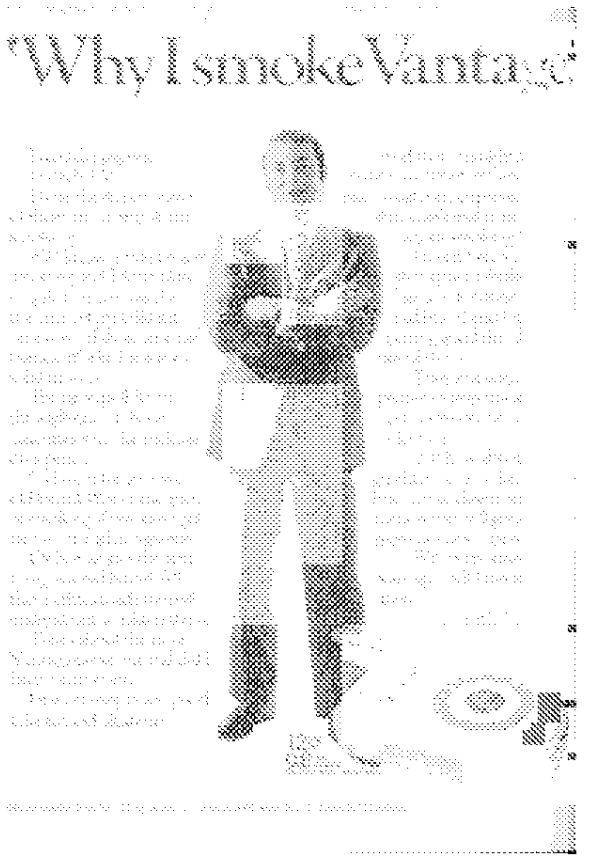
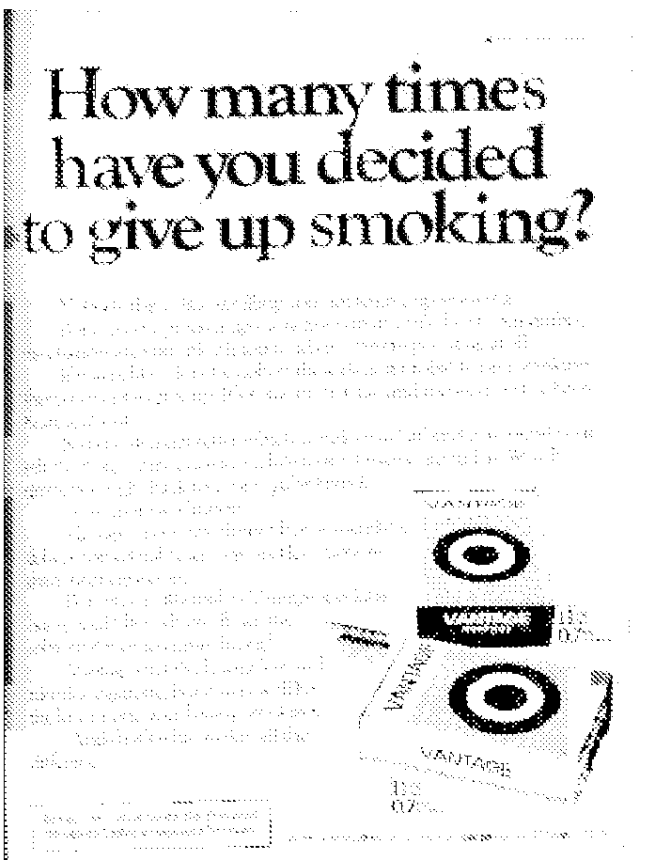


***Sports Illustrated*, 1972**
(ADV01300790081, U.S. Exhibit 3,683)



***Sports Illustrated*, 1976** (ADV01602740277, U.S. Exhibit 4,998)

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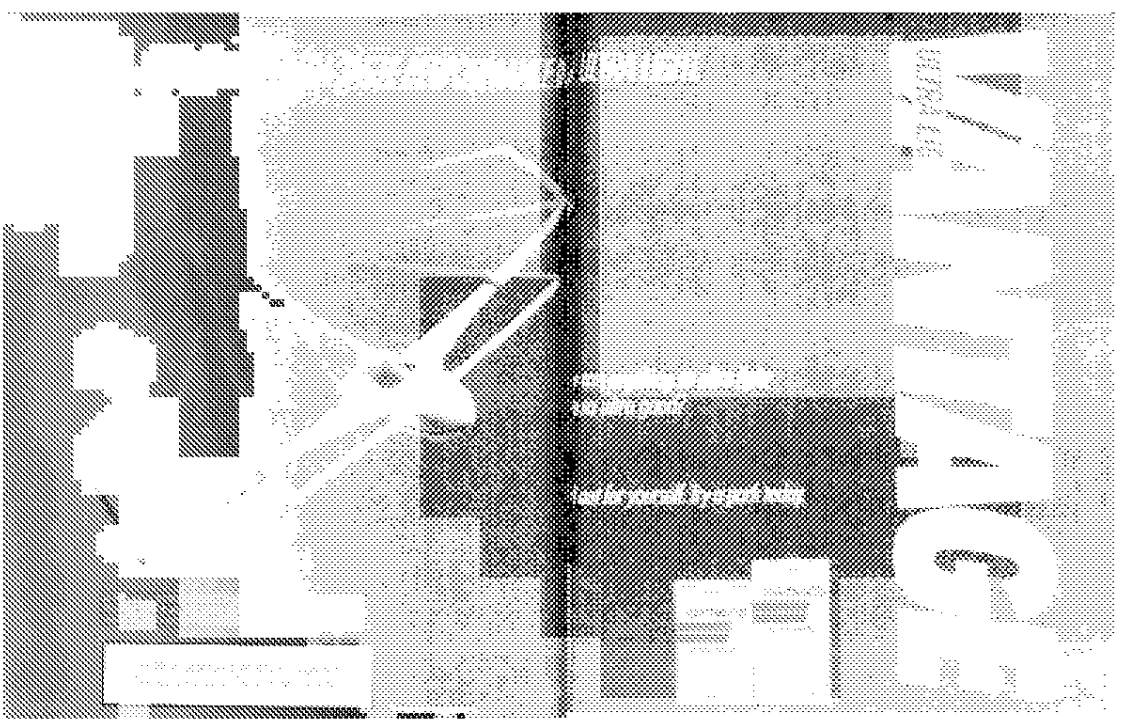
***Sports Illustrated,* 1979** (ADV01902580260, U.S. Exhibit 6,286)



***Rolling Stone*, 1988** (ADV00703800382, U.S. Exhibit 1,613)

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VII. Youth Smoking Prevention

Q: Dr. Biglan, what other topics have you addressed in this case?

A: I reviewed the effectiveness of the tobacco companies' youth smoking prevention activities.

Q: What do Defendants claim in this litigation about their youth smoking prevention activities?

A: According to their July 1, 2004 Findings of Fact at Chapter 6, pages 75-81, Defendants claim that "the tobacco industry and individual Defendants have sponsored and/or implemented programs aimed at preventing or reducing youth smoking" such as the Tobacco Institute's "It's The Law" and "We Card" programs and "[t]hroughout the 1990s, the Tobacco Institute also developed educational programs designed to further prevent youth smoking." Defendants further claim they "have buttressed the Tobacco Institute's youth smoking prevention programs by instituting or sponsoring additional programs and initiatives." Defendants' Final Proposed Findings of Fact (R. 3416; filed July 1, 2004) at Chapter 6, ¶¶ 180-185

Q: Have you concluded whether the evidence supports these claims?

A: I have concluded that most of the tobacco companies' youth smoking prevention activities are not effective in reducing youth smoking and that a major purpose of the companies' youth smoking prevention activities is the prevention of restrictions on the companies' marketing.

Q: How did you conduct your analysis?

A: I assessed the effectiveness of the tobacco companies' youth smoking prevention activities by reviewing research literature on the prevention of adolescent tobacco use and

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evaluating the tobacco companies' specific activities in light of what research shows is likely to reduce the prevalence of adolescent smoking.

Q: What tobacco company materials have you reviewed?

A: I reviewed the tobacco companies' youth smoking prevention materials and depositions of the tobacco company employees who are responsible for youth smoking prevention activities, including Carolyn Levy, Philip Morris Senior Vice President, Youth Smoking Prevention from 1998 to 2002; Howard Willard, current Philip Morris Vice President, Youth Smoking Prevention; Steve Watson, Lorillard Vice President External Affairs and head of their youth smoking prevention activities; and Claudia Newton, Brown & Williamson Vice President for Corporate Responsibility and Youth Smoking Prevention from 1997 to 2001.

Q: Do Defendants publicize their youth smoking prevention activities?

A: Yes.

Q: What is the purpose behind their public statements?

A: The tobacco companies' youth smoking prevention activities appear to be motivated by a desire to prevent marketing restrictions and to improve the industry's public image. This is shown by the documents I cite in Demonstrative 22.

A: School-Based and Community Prevention Programs

Q: What is a school-based smoking prevention program?

A: These are programs conducted in adolescents' classrooms. Most, though by no means all, take place in grades seven through nine. The programs shown to be effective in preventing adolescent smoking focus on sensitizing young people to influences that encourage smoking (including social influences, tobacco company marketing practices,

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and media influences), teaching them skills for resisting influences to smoke through modeling and role-play practice, and correcting the perception that more young people smoke than actually do. Comprehensive programs, such as Life Skills Training, more generally assist adolescents in developing the skills needed to be successful in school, at home, and with peers.

Q: Would you describe the Life Skills Training program?

A: Life Skills Training is a specific classroom-based program developed by Dr. Gilbert Botvin at Cornell University Medical School. It is probably the most extensively evaluated school-based prevention program developed to date. Designed to begin in seventh grade, Life Skills Training teaches social and problem-solving skills that focus on decision-making, resisting media influences, coping with negative affect, managing one's own behavior, communicating effectively with others, behaving appropriately in situations that require assertiveness, and resisting peer pressure to smoke or use drugs or alcohol. Youth also receive information about consequences and social acceptability of drug and/or tobacco use. Thus, the intervention focuses on altering social norms and provides extensive teenage skill building. The intervention typically takes 15 sessions that include instruction, modeling, role-plays and feedback, and between-session tasks to complete. Booster sessions (10 in 8^{th} grade and 5 in 9^{th} grade) supplement the initial intervention delivered in seventh grade. A peer-reviewed paper describing this program is listed in Demonstrative 23 as Botvin, 1996 (U.S. Exhibit 73,224; VXA1810091-0097).

Q: What are "empirically validated" school-based prevention programs?

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A: By empirically validated programs, I mean those shown in randomized controlled trials to produce a significantly greater reduction in the prevalence of adolescent smoking than was produced by either no program or some alternative program.

Q: What do you mean by a randomized controlled trial?

A: A randomized controlled trial is an experiment in which researchers randomly assign cases to receive one of two or more interventions and then compare the impact of the interventions. This procedure has become a standard and widely accepted method of determining the effects of preventive or treatment interventions. For example, typically in the case of the evaluation of school-based smoking prevention programs, schools—by random assignment—receive or do not receive the program. The study then measures the rate of smoking among students in these schools and tests whether the smoking rate is lower in the schools that received the program than in the schools that did not receive the program.

Q: Is it important that school-based prevention programs be empirically validated?

A: Yes. Such evaluations are the best way to determine whether a program works. If schools are not randomly assigned to conditions, schools that receive the program could have a lower smoking prevalence due to pre-existing characteristics of the schools rather than program exposure. For example, the schools could be in a community that happens to have a low smoking rate or they could have students who are more affluent and less likely to smoke.

Q: Have you reviewed studies evaluating the effectiveness of school-based prevention programs?

A: Yes.

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Q: What, if anything, do these studies show about the effectiveness of such programs?

A: A number of school-based smoking prevention programs have shown in randomized controlled trials to contribute significantly to preventing adolescent smoking. This peer-reviewed study is cited in Demonstrative 23 as Rooney & Murray, 1996 (U.S. Exhibit 73,277). However, it is important to note that the size of the effects of these programs is limited. Even when schools with the program have a lower smoking rate than those schools without it, many adolescents will still begin smoking in program schools.

Q: Are there any long-term follow-up studies on the effectiveness of school-based prevention programs?

A: Although there are only a limited number of long-term follow-up studies, evidence indicates that the most comprehensive approaches, such as Life Skills Training, can produce reductions in smoking rates that last until the end of high school. However, long-term follow-up studies also indicate that, without booster sessions in subsequent years, prevention effects tend to erode over time. This peer-reviewed paper is cited in Demonstrative 23 as Botvin, Baker, Dusenbury, Botvin, & Diaz, 1995 (U.S. Exhibit 73,224).

Q: If a program such as Life Skills Training is empirically validated, can we be sure that it will be effective when implemented?

A: Empirical validation does not guarantee that Life Skills Training will be effective when widely disseminated. This is because schools often do not implement the program as carefully or completely as was done in the research studies. For example, Botvin et al. found that the percentage of Life Skills Training materials covered in actual implementation varied from 27 to 97% across classrooms whose teachers had received

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training. When schools delivered the program poorly, they did not find positive effects. Thus, care in training and monitoring the quality of implementation is essential and ongoing evaluation of the impact of the program on smoking prevalence is necessary. This peer-reviewed paper is cited in Demonstrative 23 as Botvin, Tortu, Baker, & Dusenbury, 1990 (U.S. Exhibit 73,226; VXA1810109-0122).

1. Philip Morris

Q: Have any of the Defendants supported school-based prevention programs?

A: Yes, Philip Morris, Brown & Williamson, and R.J. Reynolds have each provided some funding for school-based prevention programs.

Q: What school-based prevention programs does Philip Morris fund?

A: Philip Morris has funded implementation of the Life Skills Training program. According to the current Philip Morris website, "Over the past five years, youth smoking prevention grants have helped school districts in 19 states to provide the Life Skills Training program to more than 550,000 middle school students." http://www.philipmorrisusa.com/policies_practices/ysp/grant_programs/in_school_program.asp, accessed October 18, 2004.

Q: What, if any, financial support has Philip Morris provided to evaluate the effectiveness of this program?

A: Together with Brown & Williamson, Philip Morris has funded an evaluation of the Life Skills Training program. A document discussed by Dr. Carolyn Levy at her deposition in this case describes the design of that evaluation. According to the document, schools are implementing the program and participating in the assessment. The design calls for annual evaluations of student substance use beginning in grade six and continuing

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through grade eight. Teachers provide data on the extent of their implementation of the program. These data will enable the study to examine whether fidelity of implementation relates to changes in the prevalence of smoking. As I just stated, assessing fidelity of implementation is important for ensuring the program's success. 2085004204-4406 at 4225 (U.S. Exhibit 45,573); Deposition of Carolyn Levy, United States v. Philip Morris, et al., April 25, 2002, 86:14-87:10.

Q: Will this evaluation provide information on the effectiveness of this program?

A: Because the evaluation lacks a true experimental design, its value for determining whether this implementation of the program is effective is limited. 2085004204-4406 at 4222 (U.S. Exhibit 45,573).

Since schools were not randomized to condition, it will be impossible to tell whether any differences in smoking rates between schools that did receive Life Skills Training and schools that did not are due to the program or to pre-existing differences in schools. Moreover, according to Appendix H of the report, recruitment of control schools has lagged; the authors recruited only 547 individual participants to the control condition (the number of schools involved is not indicated) and there were systematic differences in smoking rate and ethnicity between control and intervention schools. 2085004204-4406 at 4402 (U.S. Exhibit 45,573).

The authors of the report are correct that evaluation of wide-scale implementation of Life Skills Training is necessary. However, the study as designed and implemented will not provide interpretable information about the effects of the program. Moreover, in his deposition, Mr. Willard indicated that the study had so much attrition that it was impossible to estimate accurately the smoking rates among those who participated in the

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program. Deposition of Howard Willard, III, United States v. Philip Morris, et al., August 5, 2004, 213:18-24.

Q: Is it difficult to get schools to agree to be in a control condition?

A: I do not believe it is. At the Oregon Research Institute, we have conducted numerous randomized controlled trials in which classrooms, schools, and even whole communities agreed to randomization to conditions.

Q: Is Philip Morris funding other school or community smoking prevention activities?

A: Yes, it is. On its website, Philip Morris describes Positive Youth Development activities that it funds. According to Philip Morris, the notion behind Positive Youth Development is that surrounding young people "with positive messages and positive influences" and "enhancing their personal strengths and enabling them to resist risky behaviors" will provide "the foundation for developing and shaping attitudes, behaviors and skills that enable children to become socially, emotionally and physically competent and successful." www.philipmorrisusa.com/policies_practices/ysp/our_approach.asp#, accessed December 22, 2004.

Q: Is there empirical evidence that Positive Youth Development programs can prevent adolescent smoking?

A: I know of no evidence that they can prevent adolescent smoking. Although the idea that promoting Positive Youth Development can prevent smoking is plausible, empirical evidence for the value of Positive Youth Development strategies in preventing smoking is lacking. The difficulty is that such programs typically reach and involve young people who are at relatively low risk for problem behavior. Indeed, many such programs

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exclude high-risk young people. This report is cited in Demonstrative 23 as National Research Council & Institute of Medicine, 2002 (U.S. Exhibit 73,258).

Thus, while Positive Youth Development strategies are likely to seem valuable to community members and may have some genuine benefit for some young people, there is, thus far, no evidence that they reach and change the motivation to smoke of those at greatest risk to become smokers. Although the funding of such programs may improve the image of Philip Morris, on current empirical evidence, they are unlikely to affect adolescent smoking.

Q: Can you give an example of a Positive Youth Development program that Philip Morris is supporting?

A: Yes, I can. Philip Morris has provided funding to the National 4-H council to develop and evaluate "Health Rocks." The National 4-H Council website indicates that the program is designed "to help youth, ages 8-12 develop life skills, with a special emphasis on youth smoking prevention." http://www.healthrocks.org/resource/showquestion.asp?fldAuto=33&fid=14, accessed December 21, 2004.

Q: How many young people has the program reached?

A: According to its website, Philip Morris has reached "more than 30,000 kids," though the website does not provide information about the age or risk status of these young people. http://www.philipmorrisusa.com/en/policies_practices/ysp/grant_programs/nonschool_hour_program.asp, accessed December 21, 2004.

Q: Has the program been evaluated?

A: According to the 4-H website, the program was evaluated by "three independent firms" during the first year of its implementation. The website states,

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> The overall evaluation assessed the effectiveness of the program at affecting young people's attitudes, intentions, and behaviors about the use of tobacco products. Through the evaluation process, National 4-H Council learned that the age of youth participants should be lowered from 10-14 years to 8-12 years. The evaluation also showed a need for the program to focus more on life skills in general, not just tobacco use prevention.

http://www.healthrocks.org/resource/showquestion.asp?fldAuto=33&id=127&fid=14, accessed December 21, 2004. Howard Willard also testified at his deposition in this case that a study conducted by Richard Lerner, a developmental psychologist, evaluated the program. Deposition of Howard Willard III, United States v. Philip Morris, et al., August 5, 2004, 150:20-151:6.I spoke with Dr. Lerner's colleague, Jacqueline Lerner, the scientific director of the study. She said they are tracking about 3,000 fifth and sixth graders and assessing them repeatedly until they are in at least ninth grade. Some of these young people have participated in the Health Rocks program. Information about each young person's participation in this and other 4-H programs is being obtained and the researchers will analyze whether those who participate in programs are more likely to develop positive behaviors and less likely to develop problem behaviors, including smoking.

Q: Will this study allow Philip Morris to know if the Health Rocks program is preventing adolescent smoking?

A: It might or might not show that those who participate in Health Rocks are less likely to become smokers. However, because the study is not a randomized controlled trial, the ability to judge whether participation influenced adolescent smoking will be limited.

Q: Why is that?

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A: As I testified earlier, a randomized controlled trial would allow Philip Morris to know whether Health Rocks made a difference in adolescent smoking, while controlling for any other differences between those who received the program and those who did not. Without such an experimental control, the study may find that those who received Health Rocks were smoking less in ninth grade than those who did not receive Health Rocks. However, it is possible that could happen because the young people who participated in Health Rocks were already less likely to smoke than those who did not receive the program. For example, without random assignment, wealthier communities or those taking other steps to prevent smoking may be more likely to implement the program.

It is also noteworthy that the age of the young people targeted by the program dropped from those 10 to 14 to those 8 to 12 years of age. This means that the program now does not target young people in the age range at which the largest proportion of adolescents begin smoking. This report is cited in Demonstrative 23 as U.S. Department of Health & Human Services, 1994 (U.S. Exhibit 64,693).

Q: Is there any other information that bears on the effectiveness of the Health Rocks program?

A: The program takes place outside of school in multiple sessions. Such voluntary after-school programs will reach only a subset of young people who may not be at greatest risk to smoke. Additionally, even if they did volunteer for the program, young people at risk to smoke could be expected to miss more sessions and be less likely to complete the program than those young people not at risk to smoke.

No information is provided about the characteristics of the 30,000 young people whom the program is said to have reached, but given that about a quarter of adolescents

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smoke, this program may reach only about 7,500 teenage smokers http://www.pmusa.com/policies_practices/vsp/youth_smoking_rates.asp.

*2. **Lorillard***

Q: Does Lorillard fund any school or community youth smoking prevention programs?

A: In spring 2002, Lorillard described a program called "Making it H.I.P. Not to Smoke." http://www.2take10.com/youth/reaching-kids.html. However, that website is no longer accessible. The program consisted of scholarship programs and other cash awards. According to the website, Lorillard gave "10 $10,000 scholarships to teens who don't smoke and are committed to extracurricular and academic achievement." There were $5,000 prizes for an essay contest and five $10,000 grants intended to encourage "kids to partner with community organizations to develop local youth smoking prevention programs." The awards totaled $155,000 per year.

Q: Has anyone evaluated contests with prizes for not smoking as a means of preventing adolescent smoking?

A: Yes, I am aware of one study that evaluated media advertisements and a contest to prevent adolescent smoking. Dr. Karl Bauman at the University of North Carolina, School of Public Health, conducted that study. This peer-reviewed paper is cited in Demonstrative 23 as Bauman, LaPrelle, Brown, Koch, & Padgett (1991).

Q: What was the result of that study?

A: Dr. Bauman and his colleagues did not find that their media interventions with a contest deterred adolescent smoking. It is important to note, this was a well-designed and carefully implemented randomized control trial with multiple standard metropolitan statistical areas randomly assigned to conditions.

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3. ***Brown & Williamson***

Q: What school-based prevention programs does Brown & Williamson fund?

A: In 1999, Brown & Williamson gave a grant to the Jaycees. The $232,750 grant paid for members to "offer 6th grade science and health teachers a five-day interactive program for preventing underage smoking." The program identifies the health risks of smoking, teaches facts about second-hand smoke, describes ways to deal with peer pressure to smoke, and offers cessation advice. http://www.brownandwilliamson.com/index_sub2.cfm?Page=/YSPC/Index.cfm?ID=12, accessed December 21, 2004.

Q: Would the components of this program lead you to conclude that it would be effective in reducing youth smoking?

A: I would generally not judge a program based simply on its stated content. Rather, I would want to see the results of an experimental evaluation. However, this program does not contain the components generally contained in empirically validated programs. Other than the inclusion of a focus on social influences, it is not clear that the program is consistent with the eight desiderata for effective prevention programs that Brown & Williamson cited from the 1994 Surgeon General Report. http://www.brownandwilliamson.com/index_sub2.cfm?Page=/YSPC/Index.cfm?ID=25&Sect=3, accessed December 21, 2004. For example, the program consists of only one—not two—sets of five sessions and it is not clear that it is being incorporated into the existing curriculum.

Q: How widely is this program being implemented?

A: According to Beverly Molyneux (Director of Communications for the U.S. Jaycees) whom I contacted by telephone on April 25, 2002, 241 schools participated in the program in 2000, 447 in 2001, and 123 schools were expected to participate in 2002.

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Q: Has anyone experimentally evaluated the program?

A: Apparently not. A 1999 Jaycees press release about the program indicates that researchers tested it in six Tulsa area schools. Initial results "show a marked increase in the awareness of the dangers of smoking." http://www.brownandwilliamson.com/index_sub2.cfm?Page=/YSPC/Index.cfm?ID=11&Sect=4, accessed December 21, 2004. However, simply showing that young people exposed to the program had an increased awareness of the dangers of smoking is insufficient to determine whether the program affected adolescent smoking. Measuring the impact of such a program by randomly assigning students, classrooms, or schools to receive or not receive the program and comparing the actual smoking rates between the two conditions has been the standard for the evaluation of smoking prevention programs for at least 25 years. Thus, the evidence offered is far from adequate for concluding the program will actually deter smoking.

Q: Has Brown & Williamson funded any other youth smoking prevention activities?

A: The Brown & Williamson website indicates that the company has given a grant to Jefferson County, Kentucky to implement the Life Skills Training program. http://www.brownandwilliamson.com/index_sub2.cfm?Page=/YSPC/Index.cfm?ID=35&Sect=3, accessed December 21, 2004.

Q: Has this program had an effect on youth smoking?

A: As I noted above, there is considerable evidence of the efficacy of the program when fully implemented and delivered by classroom teachers. However, in Jefferson County, police officers are implementing it. There is no empirical evidence that those police officers have the training to implement it effectively.

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*4. **R.J. Reynolds***

Q: What school-based prevention programs does R.J. Reynolds fund?

A: R.J. Reynolds is implementing Right Decisions, Right Now, which includes a seven-unit curriculum: "1) decision skills, 2) assessing consequences of decisions, 3) refusal techniques, 4) values, 5) conflict resolution, 6) responsibility, and 7) I Quit Smoking Now." http://www.rightdecisionsrightnow.com/educators_new/about.asp, accessed December 23, 2004.

Review of these materials indicates that the first six units seldom mention cigarette smoking. Unlike empirically supported smoking prevention programs (e.g., Botvin, 2000; U.S. Exhibit 73,225; VXA1810098-0108), this program does not cover the harmful health effects of smoking nor does it seek to sensitize students to the marketing practices of tobacco companies. The program also does nothing to alter students' perceptions that more young people smoke than actually do, a program component shown to affect adolescent smoking initiation. This peer-reviewed paper is cited in Demonstrative 23 as Hansen, 1992 (U.S. Exhibit 73,247).

The Right Decisions, Right Now website describes three videos that it says R.J. Reynolds has distributed to middle and junior high schools. Two of these apparently model and advocate skills for resisting peer pressure. Right Decisions, Right Now includes a set of wall posters that, according to the website:

> ... challenge the perception that smoking will enhance a child's image or gain him or her improved social status among peers. These posters serve as constant reminders that smoking does not make youth look cool or fit in with their peers.

www.rightdecisionsrightnow.com/educators_new/posters.asp, accessed online October 18 & December 21, 2004.

http://legacy.library.ucsf.edu/tid/qnf07a00/pdf
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R.J. Reynolds displayed these posters in a variety of settings, including the Six Flags theme parks, in 1993 and 1995 and at the 278 Aladdin's Castle video game arcades in 1994. http://www.rightdecisionsrightnow.com/educators_new/about.asp. On this page is one of the fifteen posters currently available.

Q: Has R.J. Reynolds evaluated the program?

A: I could find no evidence that R.J. Reynolds evaluated the program or funded its evaluation.

Q: Is there any evidence that wall posters can prevent adolescent smoking?

A: There is no evidence that wall posters will affect adolescent smoking initiation. Given the curriculum content, there is little reason to believe the program will deter young people's smoking. If the website is accurate, that R.J. Reynolds distributed the program to 90% of the middle and high schools in the U.S., it may be supplanting empirically validated programs likely to be more effective. http://www.rightdecisionsrightnow.com/educators_new/about.asp, accessed December 22, 2004.

Q: Does R.J. Reynolds fund any other programs to prevent adolescent tobacco use through schools or community organizations?

A: The Right Decisions, Right Now website lists a number of special programs it is conducting. http://rightdecisionsrightnow.com/leaders_new/programs.asp#ysl, accessed December 22, 2004. These include:

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- A Miss States Program. "As a part of the program, Miss Virginia made special appearances at middle- and junior-high schools throughout Virginia to discourage youth smoking."
- A Boy Scouts Pilot Program, "in partnership with the Old Hickory Council, Boy Scouts of America to reinforce the importance of good decision-making skills for youth, including the decision to not smoke."
- The Partners with Youth Sports Foundation, which includes "a baseball training program to reach at-risk youth with a positive message" in Tampa, Florida, Washington, D.C., and New York City.
- In Winston-Salem, North Carolina, Right Decisions, Right Now materials are used as components for discussions on tobacco, alcohol and drugs as part of the Urban League's Project S.E.L.F. Enrichment Life Focus (S.E.L.F.) program."
- Distribution of Right Decisions, Right Now posters through America's baseball camps. The "organization uses a poster designed by RDRN and signed by professional athletes/instructors at the camps as a lasting memento of their camp experience."

Q: Has there been an evaluation of these programs?

A: I could find no evidence that anyone has evaluated them.

Q: Would it be difficult to evaluate these programs?

A: It would be relatively easy to evaluate many of them. For example, attendees at the baseball camps could, by random assignment, receive or not receive posters, and they could complete follow-up measures of their smoking behavior to show if receipt of the poster led to a lower prevalence of smoking.

Q: In summary, what have you concluded about the effectiveness of the school and community programs funded by the Defendants in reducing adolescent smoking?

A: The only program for which there is empirical evidence citing its efficacy is Life Skills Training, which some of the tobacco companies are funding. The evidence indicates that, if implemented properly, Life Skills Training can lower the prevalence of adolescent smoking. However, as Dr. Botvin's research shows, and those who have evaluated the program for Philip Morris and Brown & Williamson emphasize, the effectiveness of Life

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Skills Training is contingent upon proper implementation. The evaluation the companies are conducting will not determine whether implementation is effective because schools were not randomly assigned to receive or not receive the program.

Research at the Oregon Research Institute and my own experiences working with the Oregon Tobacco Prevention and Education Program have shown that organizations typically do not implement Life Skills Training with fidelity and that schools often discontinue using the program after adopting it. Thus, evidence of the implementation of Life Skills Training in multiple schools is not, by itself, an adequate basis for evaluating whether the program affects adolescent smoking behavior.

An effective evaluation of the other programs funded by the tobacco companies requires an assessment of the smoking rate among adolescents and randomized controlled trials comparing the effects on adolescent smoking of being exposed or not exposed to these programs. As far as I can tell, none of the other school-based, curricular, or community prevention programs supported by the tobacco companies has included such experimental evaluation. Moreover, as I have testified, existing evidence raises concerns that these programs are unlikely to be effective.

B. *Defendants' Media Campaigns*

Q: Have you reviewed empirical literature evaluating the effectiveness of youth smoking prevention media campaigns?

A: Yes, I have.

Q: What does the empirical literature show about the effectiveness of media campaigns directed at preventing adolescents from smoking?

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A: Evidence on the effects of media campaigns on adolescent smoking is mixed. One randomized controlled trial evaluating a media campaign that focused on countering the social influences to smoke reduced adolescent smoking. This peer-reviewed paper is cited in Demonstrative 23 as Flynn, Worden, Secker-Walker, Badger, Geller, & Costanza, 1992. 508418484-8491 (U.S. Exhibit 51,373).

However, two other randomized trials failed to find effects. These peer-reviewed papers are cited in Demonstrative 23 as Bauman, LaPrelle, Brown, Koch, & Padgett, 1991 (VXA1810039-0046; U.S. Exhibit 73,219) and Flay, Hansen, Johnson, & Collins, 1987 (VXA1810184-0199 at 0197; U.S. Exhibit 73,241).

There is also research on the effects of specific anti-tobacco media advertisements on adolescents' attitudes and intentions to smoke.

Q: What does that literature show?

A: In a peer-reviewed publication, Pechmann, Zhao, Goldberg, and Reibling (2002) describe a study of the impact of seven different types of anti-smoking messages on adolescents' intentions to smoke. They randomly assigned 788 7th graders and 879 10th graders to see a set of eight advertisements from one of seven different message types and then assessed students' intentions to smoke. They found that three types of messages affected adolescent intentions to smoke. Advertisements emphasizing the deleterious effects of smoking on families affected youthful intentions to smoke, as did advertisements that emphasized "negative life circumstances" – those portraying young smokers as being unable to achieve popularity, sophistication, and success. The third type of advertisement affecting intentions to smoke included those that depicted attractive individuals vehemently refusing to smoke. Subsequent analyses of the data indicated that all of the

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effective advertisements involved communicating that adolescent smoking is socially unacceptable. This peer-reviewed paper is cited in Demonstrative 23 as Pechmann, Zhao, Reibling, & Goldberg, 2002 (U.S. Exhibit 73,411).

Q: Overall, what does the empirical evidence show about whether media campaigns targeting adolescents will prevent adolescent smoking?

A: Given existing evidence, it would be a mistake to simply assume that an anti-smoking advertisement campaign directed at young people will deter smoking. For example, Pechmann (2001) concluded:

> There is evidence that anti-smoking advertising can help deter adolescents from smoking cigarettes but, to date, all of the evidence is indirect. Also, research seems to suggest that certain types of advertising messages work better than others but additional studies must be conducted before any definitive conclusions can be drawn.

This paper is cited in Demonstrative 23 as Pechmann, 2001 (U.S. Exhibit 73,263; VXA1810365-0403).

Q: What would be required to identify media campaigns that are effective in preventing adolescent smoking?

A: Each campaign needs experimental evaluation–not with focus groups but with two types of randomized controlled trials. The first type of trial would consist of copy testing, in which adolescents, by random assignment, see or do not see the advertisement under evaluation. (Alternatively, they might be assigned to see different advertisements.) Next, the groups would assess effects of the advertisements on rated intentions to smoke and attitudes relevant to tobacco use. Such tests do not prove that the advertisements will affect actual smoking, but they would assess whether the advertisements affect these well-established precursors of smoking.

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The second type of evaluation should involve randomizing communities or standard metropolitan statistical areas to receive or not receive an advertising campaign, measuring adolescent smoking prevalence before the campaign and for several years during and after the campaign, and assessing whether the communities receiving the campaign have a lower prevalence of smoking due to the campaign. Another method is to employ an interrupted time-series design in which, after repeated assessments of smoking, researchers introduce a campaign in one community or standard metropolitan statistical area at a time and the impact of the campaign on adolescent smoking prevalence is assessed subsequent to the campaign's introduction. A peer-reviewed paper describing this type of design is cited in Demonstrative 23 as Biglan, Ary, & Wagenaar, 2000.

Q: Have any Defendants conducted national youth smoking prevention media campaigns?

A: Yes, Philip Morris, Lorillard, and R.J. Reynolds have run televised national youth smoking prevention media campaigns.

Q: Did you review materials relating to these campaigns?

A: Yes.

Q: Do Defendants direct their youth smoking prevention media campaigns at a particular age group?

A: Yes, each company directs its anti-smoking media to young adolescents. The Philip Morris media campaign targets 10-14-years-old. Deposition of Jeanne Bonhomme United States v. Philip Morris et al. February 28, 2002 at 298:8-13.

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As I described above, the Philip Morris Health Rocks program previously targeted 10 to 14-year-olds, but now targets 8 to 12-year-olds.

Lorillard targets 10 to 15-year-olds. Deposition of Steven Craig Watson, United States v. Philip Morris et al., April 2, 2002, 161:12-22.

R.J. Reynolds targets 12- to 15-year-olds. 512023864-3877 at 3866 (U.S. Exhibit 66,492).

I could not find an explicit statement about the age of the target group for Brown & Williamson's media campaign, but, as described below, several of its activities target children and early adolescents.

Q: What, if any, information have the Defendants collected on the effectiveness of targeting adolescents of different ages?

A: According to a peer-reviewed study, Young and Rubicam conducted research for Philip Morris in 1992 showing that advertisements could be less effective with 15 to 17 year-olds than 12 to 14 year-olds. This peer-reviewed paper is cited in Demonstrative 23 as Landman, Ling, and Glantz, 2002 (U.S. Exhibit 73,365).

Q: What, if any, limitations are there to directing smoking-prevention media campaigns to early adolescents, aged 10 to 14?

A: Campaigns that target only younger adolescents fail to take advantage of an opportunity to prevent adolescent smoking among older adolescents. A study by Gilpin, Choi, Berry, and Pierce (1999) estimated that each day more than 1,600 young people, ages 15 through 17, begin experimenting with cigarettes and that about 3,158 from ages 11 to 14 begin experimenting. The peer-reviewed paper describing this study is cited in Demonstrative 23 as Gilpin, Choi, Berry, & Pierce, 1999 (U.S. Exhibit 73,245).

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Thus, about one third of experimentation begins during these later years. Each day, about 1,250 young people become established smokers (more than 100 cigarettes in their lifetime) at ages 15 through 17, while about 725 become established smokers at ages 11 through 14. This means that nearly two thirds of adolescents who smoke become established smokers in the later age range. These numbers are far from insignificant. Directing anti-smoking media only to younger adolescents misses a good opportunity to prevent adolescent smoking.

1. *Philip Morris*

Q: What nationally televised youth smoking prevention media campaign has Philip Morris run?

A: Philip Morris developed and broadcast a youth smoking prevention media campaign directed at 10 to 14 year olds and entitled "Think. Don't Smoke." Counsel for the Defendants indicated that Philip Morris began running the ads in December of 1998. Its budget for broadcast advertising was about $60 million in 2000 and 2001. However, in 2002 the company discontinued the campaign but increased spending on advertising directed at parents. Deposition of Carolyn Levy, United States v. Philip Morris, et al., April 25, 2002, 96:12-13, 256:7-257:3; Deposition of Howard Willard III, United States v. Philip Morris, et al., August 5, 2004, 98:16-100:24.

Q: Did you review the media advertisements directed at adolescents?

A: Yes, I did.

Q: What, if any, evaluation has Philip Morris conducted on the effectiveness of its media campaign on reducing youth smoking?

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A: Philip Morris has tested its youth-targeted media campaign in focus groups and mall intercept studies, but it has not evaluated its impact on actual smoking or even intentions to smoke. For example, in her deposition in this case, Jeanne Bonhomme, then Director of Youth Smoking Prevention Research, testified that Philip Morris's Tobacco Attitude and Behavior Survey study does not evaluate whether Philip Morris advertisements affect the incidence of youth smoking. Deposition of Jeanne Bonhomme, United States v. Philip Morris, et al., February 28, 2002, 324:24-325:3.

Similarly, Dr. Carolyn Levy testified in her deposition in this case that the specific effects of their advertisements on adolescent smoking could not be evaluated. Deposition of Carolyn Levy, United States v. Philip Morris, et al., April 25-26, 2002, 304:6-17. This testimony is not consistent with the fact that numerous experimental evaluations of smoking prevention interventions, including media campaigns, have been conducted and published. Indeed, in her testimony Dr. Levy cited a number of these studies. Deposition of Carolyn Levy, United States v. Philip Morris, et al., April 25-26, 2002, 113:16-114:5.

Christina Hollis, Youth Smoking Prevention Research Analyst, discussed an exhibit at her deposition that explains that Philip Morris conducted a random digit dialing phone survey of people ages 10 to 17 to assess whether they were being reached by the Philip Morris advertisements. 2083760311-0465 at 312-13 (U.S. Exhibit 45,565); Deposition of Christina Hollis, United States v. Philip Morris, et al., February 15, 2002, 226:14-233:17.

Not surprisingly, the reach and frequency for these advertisements was high. However, comparisons between the 10 to 17 year-olds who saw the advertisements and

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those who did not indicated that those who reported seeing the advertisements were not significantly different from the 10 to 17 year-olds who did not see them on a measure of whether not smoking was the "right decision." 2083760311-0466 (U.S. Exhibit 45,565).

Q: Is there other testimony that informs your conclusions?

A: Yes, Mr. Willard testified about the impact of the Philip Morris youth-targeted media campaign on adolescent intentions to smoke. He testified that he was aware of "...one study that was published by Matthew Farrelly et al., that I think used intention to smoke as one of its variables." Deposition of Howard Willard III, United States v. Philip Morris, et al., August 5, 2004 at 178:15-17. He also testified that "...both the 'Truth' and 'Think. Don't Smoke' awareness variables had a relatively small impact on the ultimate intent to smoke, and that there were other variables in the model which were much larger in their impact on future intent to smoke." Deposition of Howard Willard III, United States v. Philip Morris, et al., August 5, 2004 at 226:6-10.

Q. How does this testimony inform your conclusions?

A: The study discussed by Mr. Willard is a peer-reviewed study published in the American Journal of Public Health. The study found that "...exposure to 'Think. Don't Smoke' was associated with an *increase* in the odds of youths' intending to smoke in the next year ($p < .05$)..." and that "greater exposure to the campaign was associated with higher levels of intention to smoke." A peer-reviewed paper on this study is cited in Demonstrative 23 as Farrelly, Healton, Davis, Messeri, Hersey, and Haviland, 2002 (JD065578).

This study falls short of a randomized controlled trial of the impact of these campaigns and Mr. Willard is correct that the relationships between campaign exposure

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and smoking intention are relatively small. However, the results are certainly not evidence that "Think. Don't Smoke" is preventing smoking and, to the contrary, they suggest that the campaign may be having a deleterious effect on youth smoking.

Q: Does Philip Morris use experimental methods to evaluate whether its youth smoking prevention activities reduce youth smoking?

A: No, it does not. As I have testified, a common method for comparing the effects of two different programs is to randomly assign cases (people, classrooms, schools, or communities) to the different conditions and compare the impact of each condition. For example, one could compare the impact on adolescent smoking of media spots targeting parents and those targeting adolescents by randomly assigning some communities to get parent spots and others to get adolescent spots and then determining whether the prevalence of smoking declines more in one set of communities than in the other. One might also have a third condition in which communities receive no intervention. In this way, one would be able to assess both the parent media and the adolescent media against a no-intervention control. I could specify numerous variations on this design based on the well-established principles of experimental design.

Q: Does Philip Morris use randomized trials outside the context of determining the effectiveness of its youth smoking prevention activities in reducing youth smoking?

A: Yes. A memorandum discussed at the deposition of Mr. Willard was sent to the Philip Morris USA National Advertising Team from Strategy One. It is dated August 5, 2002 and describes the results of a mall intercept study in which the opinions of parents, members of the general public, and "opinion elites" were assessed before and after reviewing, either a brochure that focused on the need to talk to young people about not

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smoking, or one that described Philip Morris's website. The advertising team defined "opinion elites" as those between 35 and 64 who earn at least $100,000 per year and have at the minimum a college education. In the study, participants' ratings of whether Philip Morris was a responsible company were obtained before and after the participants saw brochures. Although the memorandum does not explicitly state that participants were randomized to conditions, it is clear they were systematically assigned to receive one of two brochures, thus enabling a systematic comparison of the impact of the two brochures. The results of the study were that both brochures improved opinions about Philip Morris. PM3002404663-4743 at 4663 and 4649 (JD-052971).

In addition, a March 1984 document produced from the files of Philip Morris and entitled "Copy Testing" describes a sophisticated system for comparing the reactions to different television and print advertisements. Each respondent viewed one advertisement. Then, they provided ratings of the advertisements on multiple dimensions so that the impact of each advertisement can be compared with the impact of other advertisements. The dimensions assessed included negative reactions, executional impact, anxiety, informational relevance, and image scales (people appeal, people lack of realism; scenic, setting empathy; identification/empathy, people/setting lack of fit). 2500002209-2251 at 2224 to 2232 (JD 67,171).

Q: How are these documents relevant to your conclusions?

A: These documents show that, while Philip Morris uses randomized trials or experimental evaluations to determine the impact of its youth smoking prevention activities on its corporate image, it chooses not to do so to determine whether its youth smoking prevention activities reduce youth smoking.

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2. *Lorillard*

Q: What youth smoking prevention media campaign has Lorillard run?

A: In 2002, Lorillard had a budget of about $12 million per year for television and print ads for its youth smoking prevention program. Deposition of Steven Craig Watson, United States v. Philip Morris et al., April 2, 2002, 149:8-13.

As of April 2002, Lorillard's *Butt Out Now* website (http://www.buttoutnow.com) featured a collection of attractive visuals. The website describes an essay contest about why it is "not cool to smoke." The central theme and slogan of the Lorillard effort was Tobacco Is Whacko–If You're a Teen. The website had sections on "cool ways" to say no to cigarettes, a poll (which, in the week of 4/22/02, had nothing to do with smoking), a collection of video games, a music player, and a set of Tobacco is Whacko screen savers. Lorillard indicated that the Tobacco is Whacko–If You're a Teen program includes print and broadcast advertising. At that time, the website (http://www.2take10.com/) described and showed four advertisements intended to discourage youth smoking. The website also displayed four print advertisements, each of which had the Tobacco is Whacko–If You're a Teen slogan.

Lorillard has apparently discontinued its Tobacco is Whacko program. In a search of the Internet in September 2004, I was unable to find the websites described in the preceding paragraph. A Google search of "Tobacco is Whacko" and "Lorillard youth smoking prevention" produced no Lorillard websites other than one directed to parents, http://ww.keepkidsfromsmoking.com/programOverview.asp. The second URL cited in the preceding paragraph also took me to the just-mentioned Lorillard parent website. I discuss Lorillard's parent-directed prevention efforts below.

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Q: Has Lorillard evaluated the effectiveness of its "Tobacco is Whacko" campaign in reducing youth smoking?

A: I have found no evidence that Lorillard evaluated the impact of the Tobacco is Whacko—If You're a Teen campaign through experimental methods.

Q: Have you seen any evidence of its impact?

A: A document discussed by Steve Watson, Lorillard Vice President External Affairs, and head of their youth smoking prevention activities, at his deposition in this case describes the results of focus groups conducted with 10 to15 year olds for Lorillard by Youth Intelligence. The document date is February 24, 2000. The purpose of the focus groups was to get adolescents' reactions to Lorillard's Tobacco Is Whacko advertisements. According to the executive summary of the report:

> Respondents remembered the tag line but had negative responses to it. They complained that it was very young (younger than them) and 'cheesy.' They particularly disliked the '*if you're a teen*' part of "Tobacco is Whacko If You're a Teen." They complained that this singled them out and that they believe it should apply to all ages.

Deposition of Steven Craig Watson, United States v. Philip Morris et al., April 2, 2002, 162:19-164:24 (U.S. Exhibit 87,874; 94691840-1858 at 1845).

Lorillard had this research for over a year, yet continued to implement the campaign. As my earlier testimony has explained, emphasizing in campaigns that smoking is an adult activity underscores the desirability of the behavior for adolescents, who are particularly motivated to appear mature.

3. ***Brown & Williamson***

Q: What national youth smoking prevention media campaign has Brown & Williamson run?

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A: Brown & Williamson has apparently chosen not to implement a media campaign targeting young people. Deposition of Claudia Newton, United States v. Philip Morris et al., April 17, 2002, 62:16-19.

In April 2000, its website presented a brief public service announcement directed at youth, but Brown & Williamson was apparently not paying to broadcast the spot and the spot is currently not accessible. http://www.bw.com/Index.cfm?ID=6.

As of May 2002, the Brown & Williamson website listed a variety of small-scale efforts directed at youth. These include a tour of elementary schools by Fishbone Fred Delp, "who delivers child safety and self-esteem messages along with his unique and memorable songs." The website also described a $35,000 grant to a church in Chicago to develop a youth smoking prevention program called We Avoid Youth Smoking.

As of September 2004, the website also listed the Safe Summer 2000 Initiative which is (or was) conducted in public housing in Louisville. Dubbed The Initiative Toward Smoke-Free Youth (ITS Youth), the program includes "educational experiences, college field trips, youth group sessions and the annual WUSSUP Conference." www.bw.com/Index.cfm?ID=170&Sect=3.

Sly's Unwise Surprise is "a book designed for children (ages 4 to 8) that explores the subject of peer pressure and the concept of making good choices (in this case not to smoke). Free copies of the book are available at the website.

Q: Has Brown & Williamson evaluated the impact of these programs?

A: I have been unable to find any evidence that these programs have been evaluated. At her deposition in this case, Claudia Newton, Brown & Williamson's Vice President for Corporate Responsibility and Youth Smoking Prevention from 1997 until January 2,

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2001, indicated that the company is not experimentally evaluating the effects of these activities on adolescent smoking. Deposition of Claudia Newton, United States v. Philip Morris et al., April 17, 2002, 79:24-80:11.

Q: Based upon your research and experience as a psychologist, how likely is it that these programs will prevent adolescent smoking?

A: To begin with, these efforts reach so few young people that they could have little impact on the prevalence of adolescent smoking. Moreover, many of the young people these programs target, namely children under the age of 12, are too young to be targeted with smoking prevention interventions. In any case, there has been no evaluation to determine whether these activities influence young people not to smoke.

4. *R.J. Reynolds*

Q: What youth smoking prevention media campaigns has R.J. Reynolds run?

A: As of May 2002, the R.J. Reynolds website indicated it had created nine public service announcements for television and radio. However, a return to that website in December 2004 describes only programs directed at (a) parents and grandparents, (b) youth group leaders, and (c) educators. Additionally, although the website refers to the public service announcements, there is no information about previous airing dates and/or current availability of the announcements. Consequently, I cannot confirm that R.J. Reynolds still offers television spots directed at adolescents. http://www.rightdecisionsrightnow.com/.

Q: Was the impact of the spots evaluated by R.J. Reynolds?

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A: I can find no evidence that R.J. Reynolds had these public service announcements evaluated through focus groups, copy testing, or experimental evaluations of their impact on adolescent smoking.

Q: In terms of reducing youth smoking, how effective is R.J. Reynolds' media campaign directed at youth?

A: Based on available information, R.J. Reynolds has apparently not evaluated the efficacy of its media efforts. I can find no evidence that these efforts are reducing adolescent smoking.

C. ***Programs Targeting Parents***

Q: Are programs aimed at parents effective in reducing youth smoking?

A: It is plausible that a program targeting parents could have value in affecting adolescent smoking behavior because there is some evidence that parents influence their adolescents' smoking behavior. With respect to whether parental smoking predicts youth smoking, the evidence is mixed, with some studies finding a relationship and other studies not finding it. A copy of this report is cited in Demonstrative 23 as U.S. Department of Health & Human Services, 1994 (U.S. Exhibit 64,693).

It has also been found that parents who do not set clear limits around such behavior and monitor their children's behavior are more likely to have children who smoke. A peer-reviewed paper on this study is cited in Demonstrative 23 as Biglan, Duncan, Ary, & Smolkowski, 1995 (U.S. Exhibit 73,221). Thus, it is possible that efforts to mobilize parents to discourage their children's smoking by communicating their expectations and providing negative consequences for tobacco use *could* help to prevent

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adolescent tobacco use. Unfortunately, there is not yet evidence that targeting parents with advertising actually does affect adolescent smoking.

Q: Have any such studies been conducted?

A: Yes, they have. My colleagues and I conducted a study in which we randomly assigned parents to receive or not receive a set of four mailed messages designed to encourage parents to set rules about tobacco use. There was no evidence that the messages deterred smoking. A peer-reviewed paper on this study is cited in Demonstrative 23 as Biglan, Glasgow, Ary, hompson et al., 1987 (U.S. Exhibit 73,222).

There may be two reasons such messages were ineffective. First, the messages may be ineffective in prompting parents to talk to their teenagers. Second, the parents may not be very effective in talking to their teenagers. Many families with teenagers at risk to smoke have a lot of conflict between parents and teens. For a parent merely to tell an adolescent not to smoke might simply motivate the teenager to defy his or her parent.

Q: What other research have you conducted that bears upon your conclusions?

A: In one project, my colleagues and I at Oregon Research Institute did preliminary work in which we flooded a small community with pamphlets urging parents to talk to their children about not using tobacco. Despite the fact that we distributed enough pamphlets to reach virtually every parent of a sixth through twelfth grade student in the community, survey data indicated that we had no discernible effect on parents actually talking to their children about tobacco use. A peer-reviewed paper on this study is cited in Demonstrative 23 as Biglan, Ary, Yudelson et al., 1996 (U.S. Exhibit 73,220).

Only when we gave young people a school assignment to interview their parents about tobacco were we able to influence parents and children even to talk about the topic.

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The intervention led to young people having more knowledge about tobacco use and attitudes that were more negative toward its use. In some of the communities, the intervention also lowered youths' intentions to smoke. However, due to the short period of time in which the study took place, researchers were unable to assess effects on actual smoking.

Q: Is there other relevant research?

A: Yes. Another peer-reviewed study by Perry, Pirie, Holder, Halper, and Dudovitz (1990) (U.S. Exhibit 73,265) cited in Demonstrative 23, found that a specially designed school assignment could prompt parents and children to talk about smoking.

Q: What conclusions do you draw from the research on this topic?

A: I have three conclusions. First, although there is good correlational evidence suggesting that, if parents effectively set limits on their teenager's use of tobacco, it could have a deterrent effect on adolescent smoking, effective methods of mobilizing parents to take action have not yet been identified. Second, brochures and media advertisements directed at parents appear not to be sufficient to get parents to interact with their teenagers about not smoking. Third, given the state of research knowledge, advertising campaigns targeting parents require routine evaluation in terms of (a) their efficacy in getting parents to talk to their children about not using tobacco or to otherwise set limits around smoking and (b) their actual impact on youth smoking.

Q: Dr. Biglan, have the Defendants also created youth smoking prevention campaigns targeted at parents?

A: Yes. Philip Morris, Lorillard, Brown & Williamson, and R.J. Reynolds have all created youth smoking prevention campaigns directed at parents.

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1. ***Philip Morris***

Q. In their opening statement, what did Defendants claim about their youth smoking prevention campaigns targeting parents?

A: In the opening statement, Philip Morris counsel stated:

> Philip Morris decided to shift to parents for a while because we found there were a lot of organizations that were trying to reach kids about not smoking, but we thought more could be done in reaching what we thought was probably the next most important group, which is trying to convince parents to talk to their kids about not smoking.

Opening Statement, United States v. Philip Morris et al., September 22, 2004 at 398:21-399:1.

Counsel was referring to the move by Philip Morris from airing spots targeting teenagers toward spots targeting parents.

Q. Have you sought to understand Philip Morris's shift to parent-oriented advertising?

A: Yes.

Q. What did you do to learn more about Philip Morris's shift to parent-oriented advertising?

A: I read the depositions and exhibits from the depositions of Carolyn Levy and Howard Willard, the former and current Senior Vice Presidents responsible for Philip Morris's youth smoking prevention activities and I reviewed Philip Morris's materials targeted at parents.

Q: Can you describe Philip Morris's parent-targeted efforts?

A: At his deposition, Howard Willard testified that Philip Morris has two primary efforts targeting parents. The first is a series of television advertisements that urge parents to talk to their teens about not smoking. The other, implemented more recently and which

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has supplanted the television advertisements, consists of the distribution of parent brochures. Deposition of Howard Willard III, August 5, 2004, United States v. Philip Morris et al., 107:21-25.

Q: What percentage of the Philip Morris youth smoking prevention budget was devoted to campaigns directed at parents?

A: Mr. Willard testified that the "Think, Don't Smoke" campaign targeting 10- to 14-year-olds "…was put on hiatus in 2002, and the spending was shifted to our parent campaign." Mr. Willard testified that the budget for television advertising in 2003 was about $45 million, all of it, apparently directed at parents. He testified that, in 2004, he expected that budget for parent pamphlets would be $18 million. Deposition of Howard Willard III, August 5, 2004, United States v. Philip Morris et al., 99:17-20, 89:3-9, 90:5-13.

Q: What, if any, steps has Philip Morris taken to evaluate the effectiveness of its television advertising directed at parents in reducing adolescent smoking?

A: In his deposition, Mr. Willard described the use of focus groups and survey research to assess the impact of the television advertisements and the parent brochures. Deposition of Howard Willard III, August 5, 2004, United States v. Philip Morris et al., 104:16-105:2, 168:3-19. However, I could find no evidence that Philip Morris has adequately evaluated whether these interventions affect parent-child interactions and or the prevalence of adolescent smoking.

For example, Mr. Willard testified that, to evaluate the "Talk, They'll Listen" Campaign, Philip Morris obtained ratings from parents that indicated that 80% of parents said that the advertisement made them realize how important it is to talk to their teenagers about not smoking. He also testified that more than 70% of the parents said it

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was "somewhat likely" or "very likely" they would talk to their teenagers about not smoking. He further testified that, after airing the advertisements, Philip Morris found that 50% of parents surveyed said they were aware of the advertisements and that 50% of aware parents said they had held a conversation with their child. Deposition of Howard Willard III, August 5, 2004, United States v. Philip Morris et al., 105:3-23.

Q: Based on your research and experience, how do you evaluate these results?

A: These results are insufficient to judge the value of television advertisements in reducing adolescent smoking. The results do not indicate whether the advertisements actually increased parent-child conversations. Without a controlled experimental evaluation, it cannot be determined whether the results are due to parents who are very concerned about their teenagers smoking being not only more likely to pay attention to and remember the advertisements but also more likely to talk to their children about not smoking. The evaluation also did not assess whether the advertisements actually prevented youth smoking.

Reports of conversations with teenagers about this topic are probably overestimates and are not a good measure of teenagers' exposure to these conversations. Research shows that parents often have higher estimates than their teenagers have of how often they have discussed smoking behavior. In one peer-reviewed study conducted by Oregon Research Institute, parent and adolescent reports of whether they had talked about tobacco use were correlated about .15—a very small correlation, given that the parents and their teenager are ostensibly reporting on the same event. A peer-reviewed paper describing the study is cited in Demonstrative 23 as Biglan, Ary, Yudelson et al., 1996 (U.S. Exhibit 73,220).

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Even if the Philip Morris data provide an accurate estimate of conversations about smoking, only 25% of all parents reported having them. Existing evidence indicates that parents who are most conscientious about guiding their teenagers are likely to be parents whose teenagers are least at risk to smoke in the first place. A peer-reviewed paper describing this study is cited in Demonstrative 23 as Biglan, Duncan, Ary, & Smolkowski, 1995 (U.S. Exhibit 73,221). Thus, the evidence obtained by Philip Morris is insufficient to conclude that its parent advertising or brochures prevent adolescent smoking.

Q: How could Philip Morris evaluate their parent-targeted advertisements to determine their effectiveness?

A: Experimental evaluation of the effects of these advertisements can determine whether Philip Morris advertisements are beneficial in preventing adolescents from smoking. Such evaluations would randomly assign parents to see or not see the advertisements and then measure the prevalence of smoking among adolescents in each of these two conditions. Rather than randomly assigning parents to receive or not receive the television advertisements, one would assign media markets to conditions. The study would compare the prevalence of adolescent smoking in the two conditions. It would also determine if the parents had talked to their children about smoking, in order to find out whether the advertisements made a difference in reports of such conversations.

Q: Have such studies been conducted?

A: Yes. In fact, studies in which whole communities are randomly assigned to conditions are becoming more common. My colleagues and I at Oregon Research Institute published a peer-reviewed paper describing one such study in which we randomly

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assigned 16 small Oregon communities to receive or not receive a community intervention to reduce adolescent tobacco use. This peer-reviewed study is cited in Demonstrative 23 as Biglan, Ary, Smolkowski, Duncan, & Black, 2000 (U.S. Exhibit 64,692).

I am aware of three such peer-reviewed studies from Minnesota, and, as I described earlier, Bauman's evaluation of smoking prevention media directed at adolescents, which the researchers evaluated in a randomized controlled trial in which they randomly assigned standard metropolitan statistical areas to conditions. This peer-reviewed study is cited in Demonstrative 23 as Bauman, LaPrelle, Brown, Koch, & Padgett, 1991 (U.S. Exhibit 73,219).

Q: Are there any other ways to evaluate television advertisements targeting parents?

A: Yes. It is possible to track adolescent smoking prevalence in a set of communities over time, then introduce the advertisements in one or two communities each year, and assess whether the prevalence rates in those communities drop, while remaining the same in the communities that did not receive the advertisements. This peer-reviewed study is cited in Demonstrative 23 as Biglan, Ary, & Wagenaar, 2000 (U.S. Exhibit 78,524).

In fact, Philip Morris appears already to be obtaining data on adolescent smoking that would enable such an evaluation. The Philip Morris TABS (Teenage Attitudes & Behavior Study) data consist of monthly phone survey data that allow estimates of the prevalence of adolescent smoking. Since Philip Morris is sampling adolescents from across the country, it could derive estimates of smoking prevalence for regions of the country. Philip Morris could then implement the television advertisements in one region at a time and determine whether the advertisements affected smoking prevalence.

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Others have used such an experimental method for evaluating media interventions. Philip Palmgren at the University of Kentucky used this method in an evaluation of television advertisements designed to decrease adolescent marijuana use. A peer-reviewed paper describing the study is cited in Demonstrative 23 as Palmgren, Donohew, Lorch, Hoyle, & Stephenson, 2001 (U.S. Exhibit 72,761).

Q: Has Philip Morris evaluated the efficacy of the brochures it distributes to parents?

A: According to Mr. Willard's testimony, they have been evaluated in the same way that the television spots were—through focus groups and mall intercept studies. Respondents—in this case parents—are recruited in shopping malls and asked to respond to the advertising materials to be evaluated. Philip Morris asked parents to rate the brochures on a set of questions having to do with the likelihood that they would read them and how likely they were to have a conversation with their child about not smoking after reading the brochures. Deposition of Howard Willard III, August 5, 2004, United States v. Philip Morris et al., 166:18-167:22.

Q: Is Philip Morris's evaluation of the brochures adequate to determine their value for preventing adolescent smoking?

A: It may be useful for determining whether the brochure increases parents' stated intentions to talk to their children, but it is inadequate for determining whether the brochures will actually contribute to less adolescent smoking. The only way to know whether the brochures affect adolescent smoking is to deliver the brochures to some parents and not to others and measure whether there are differences in later adolescent smoking rates between the two groups. Randomization of parents to the conditions is essential in order

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to ensure that any differences that are observed are not due to pre-existing differences in the likelihood that youths in the two groups would take up smoking.

Q: Does any Philip Morris testimony in this case inform your conclusions?

A: In his deposition of August 2004, Mr. Willard was asked whether Philip Morris determined the effectiveness of the parent brochure program on its effect on adolescent smoking. He testified:

> Well, that isn't how we measure the effectiveness of the brochure. Because it is very difficult.
>
> As a matter of fact, I'm not aware of too many cases where somebody can take a specific element like a parent brochure and then somehow connect that directly to youth smoking rates going down.
>
> What is typically the state of the art in the field of market research is to conduct disciplined qualitative and quantitative research on the message that's received from the communication material on the indications on the audience of whether their behavior is likely to change from that.
>
> And then to measure that. And then to draw the conclusion that if those behavior changes occur and if those attitude changes occur, that it's highly likely it's going to have a positive impact on the end goal.

Deposition of Howard Willard III, August 5, 2004, United States v. Philip Morris et al., 168:3-19.

Mr. Willard is correct that market research evaluates the impact of the message on target audiences, but neglects to also mention that the companies, including Philip Morris, ultimately measure the impact of cigarette advertising on sales. Each of the Defendants carefully monitors the market share for its cigarette brands. By doing so they are able to tell whether an advertising campaign that worked well in focus groups and copy testing truly affects sales. As numerous documents I have testified about show, when anticipated increases in sales do not materialize, the company creates a new advertising campaign, which it first evaluates using the methods Mr. Willard describes, but then determines whether it affects market share and volume.

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The analogous approach in smoking prevention research is to evaluate interventions in terms of their impact on the prevalence of adolescent smoking. Certainly, focus groups and copy testing evaluations of smoking prevention media are appropriate for gauging whether the media are likely to affect adolescents or their parents, but the ultimate test is whether they affect the number of adolescents who become smokers. This has been a standard in smoking prevention research since at least the early 1980s.

Moreover, in my review of the Defendants' youth smoking prevention activities I did not find much evidence that the quantitative research Mr. Willard speaks of has been used in evaluating their media efforts.

Q: Earlier you described experimental methods for assessing the impact of brochures and television advertisements. Is the use of these methods commonly accepted in the research literature in the prevention field?

A: It is quite commonly accepted in most areas of the biomedical and behavioral sciences. In fact, it has been estimated that more than one million randomized trials have been conducted since the first one was done in the late 1940s.

A task force of the Society for Prevention Research—of which I am a member—recently produced a set of standards for judging the efficacy and effectiveness of preventive interventions. It is very similar to the standards adopted a number of years ago by the American Psychological Association. In education, there is a strong movement, led by the U.S. Department of Education, to increase the use of randomized trials to evaluate educational interventions and to choose educational programs based on evidence from randomized trials.

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Q: Are there examples of the use of such experimental methods in the prevention science literature?

A: Yes. In fact, at his deposition, Mr. Willard cited the work of Dr. Connie Pechmann, who has conducted a number of randomized trials in which the effects of both pro- and anti-tobacco advertising has been evaluated. Mr. Willard also cited evaluations of the work of Dr. Gilbert Botvin in evaluating Life Skills Training and of the work of Dr. Steve Sussman, both of whom employed randomized controlled trials in their evaluations. Deposition of Howard Willard III, August 5, 2004, United States v. Philip Morris et al., 82:9-12, 129:20-22, 135:3-10.

In addition, a number of randomized trials have evaluated media campaigns focused on smoking prevention, which I described in my testimony about media campaigns targeting adolescents. A meta-analysis of school-based smoking prevention studies published in 1996 identified 96 studies that employed a randomized design. This analysis is described in a peer-reviewed paper listed in Demonstrative 23 as Rooney & Murray, 1996 (U.S. Exhibit 73,277).

As I described earlier in my testimony, I have personally been involved in experimental evaluations of numerous interventions. These include school-based smoking prevention programs, community interventions to prevent adolescent tobacco use, an intervention to prevent high-risk sexual behavior, several smoking cessation programs, an instructional program to prevent reading failure, several interventions to prevent antisocial behavior among children, and treatment procedures for social anxiety and insomnia.

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In short, the standard for research in the field of prevention is clear: interventions aimed at preventing health behavior problems are evaluated through randomized controlled trials.

Q: How effective are Philip Morris's parent-directed youth smoking prevention campaigns?

A: Due to the lack of experimental evaluations, it is impossible to know. The efficacy of media spots directed at parents, however, is in doubt, given that no other studies have shown that such spots can prevent adolescent smoking—or any other problem behavior. With respect to the effects of parent brochures, the available evidence makes it doubtful that distributing such brochures actually increased conversations between parents and teenagers regarding tobacco use, and there is no evidence that these brochures actually prevented tobacco use. Full-scale experimental evaluations of programs that measure adolescent smoking behavior as the outcome would need to be conducted before it could be concluded that these programs are of value in affecting youth smoking behavior.

2. *Lorillard*

Q: You previously testified that Lorillard had a youth prevention campaign directed at parents. Can you describe this campaign?

A: "Take 10" is a program directed at parents. It was developed by Dr. Michael Popkin, who, according to the current Lorillard website, is an authority on parenting. The website states:

> For 2004, Lorillard has deepened the focus of the existing parent education program to prompt parents to talk early and often with their children about the dangers of smoking. The program will add two new TV spots, along with this new website, to provide tips and tools for parents to use to conduct these important conversations….

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> Overall, our efforts have evolved into a highly-effective means of communicating with millions of parents. With the help of our program and a growing roster of impressive youth anti-smoking efforts, teen smoking rates are on a dramatic decline, reaching historic lows in 2003.

http://www.keepkidsfromsmoking.com/programOverview.asp, accessed December 24, 2004.

Q: Does the website document the number of parents reached in any way?

A: It does not.

Q: Does the website provide other materials?

A: The website allows the visitor to download an eight-page pamphlet entitled "Talk Early, Talk Often," written by Dr. Popkin. The pamphlet offers advice to parents about assessing a child's risk to take up smoking. It lists among the risks low self-image and poor grades. The pamphlet provides tips on "how to talk to your child" and describes reasons why adolescents try smoking. These reasons include "to fit in, be part of a group; to look cool; to experiment…they have a friend…who smokes; to be rebellious; to look older." It also gives advice on ways that children can refuse offers of cigarettes and it answers a series of questions that parents are likely to have about the issue. The pamphlet also has suggestions for how to start conversations about smoking. One idea for starting a conversation is as follows:

> "When you see smokers portrayed in the media as strong, healthy and sexy, remind them that just the opposite is true." http://www.keepkidsfromsmoking.com.

Q: Are there examples of such portrayals of smokers in cigarette advertising?

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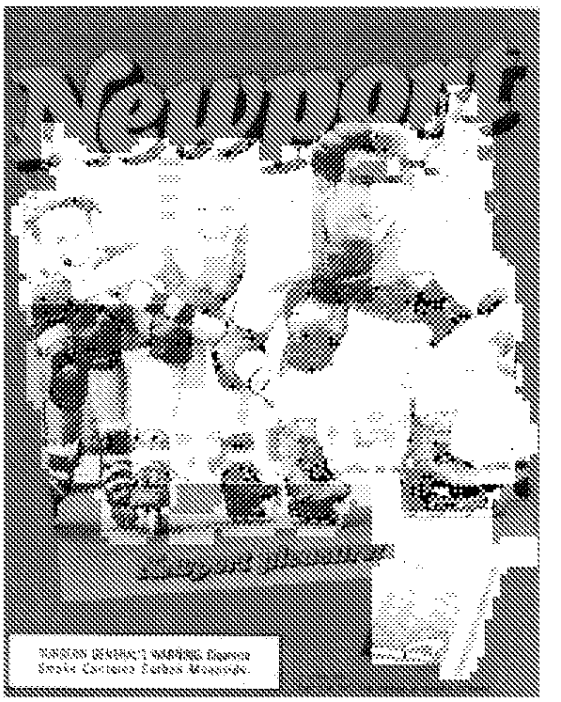
A: Earlier in my testimony, I presented examples of images used in Lorillard advertisements of strong, healthy, and sexy smokers that a young person might see. I have reproduced one of them here as U.S. Exhibit 9,360.



***Sports Illustrated*, 1995** (ADV0260570-0572, U.S. Exhibit 9,360)

Q: What is your judgment about the value of the pamphlet?

A: Much of the advice that is given is sound. However, as I testified above, there is no evidence and it is not likely that many parents of at-risk youth are going to change their behavior toward their teenager based on a pamphlet, even if it contains sound advice. Moreover, there is no evidence of the number of parents who will be reached through the website. There is no research to support the notion that such a web-based program can prevent adolescent tobacco use.

Q: Are there other materials for parents at this Lorillard website?

A: Two videos are presented, which—according to the website—will be used in a television campaign. The first video offers numerous commands that parents give to their children (e.g., "Mow the lawn," "Comb your hair") and concludes that since parents have to repeatedly tell their children what to do, they should talk to them early and often about not smoking.

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The second video shows a mother telling an off-camera child that she wants the child to resist peer pressures to smoke. At the end of the video, the camera reveals that the child is a toddler in a high chair. The message is to tell your children early and often not to smoke.

Q: What is your assessment of these advertisements?

A: They are cleverly conceived and well executed. They probably will be well received by parents. However, without evaluation of their impact on adolescent smoking, there is no research to conclude they will induce many parents to talk to their teenager about smoking or will contribute to reducing the prevalence of adolescent smoking. In both advertisements, the message focuses on talking to young children, not to adolescents. In order to reduce youth smoking, advertisements should prompt parents of adolescents to have these talks.

Q: What, if any, steps has Lorillard taken to evaluate the effectiveness of its youth smoking prevention campaigns directed at parents?

A: I have seen no evidence that Lorillard has evaluated the impact of their programs directed at parents. Their website states that the company has evolved "…a highly-effective means of communicating with millions of parents." However, the website does not indicate how they were reached or provide evidence to support this claim. To adequately evaluate this program, the experimental methods I described above would need to be used, in which parents are randomly assigned to receive or not receive the web-based advice and/or the videos, and measures are obtained of parent and teenager reports of conversations about smoking and teenagers' reports of their own smoking behavior.

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Q: Dr. Biglan, how effective are the Lorillard youth smoking prevention campaigns directed at parents?

A: In the absence of evaluation, it cannot be determined whether these campaigns have any impact on adolescent smoking. Based on existing evidence, including research I have conducted on ways to mobilize parent influences to prevent their adolescents from smoking, there is no reason to believe that these efforts will prevent youth smoking.

3. *Brown & Williamson*

Q: Does Brown & Williamson have a youth smoking prevention campaign directed at parents?

A: I am not aware of any mass media that Brown & Williamson is directing at parents. However, its website presents information and a video for parents. The website indicates that the video is a public service announcement. http://www.brownandwilliamson.com/Index.cfm?ID=6, accessed December 24, 2004.

Q: Can you describe the information provided to parents?

A: A section entitled "Are Your Kids Sending Smoke Signals?" consists of two and a half pages of general advice about parenting. It describes warning signs for risk behavior and mentions that smoking causes unnamed diseases. It recommends that parents get involved with their children, look for warning signs, talk to their children, set a good example, reinforce the laws (regarding sales of tobacco to young people), role-play ways to deal with peer pressure with their children, encourage them to make good decisions, and stay involved with them.

Q: Is there evidence that advice of this sort given over the Internet can affect parenting practices?

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A: There is currently no research to show that such an intervention affects youth smoking.

Q: What is your judgment about the likely value of the advice given over the Internet?

A: As a clinical psychologist who has conducted research on parenting interventions focused on preventing smoking and other substance use over the past 20 years, I can say with some confidence that, although some of the things that are suggested to parents could be of value if implemented (e.g., praising children's achievements), few parents would be able or likely to implement the recommended actions without considerably more guidance from a skilled professional. For example, the suggestion that parents role-play dealing with peer pressures with their teenagers overlooks that fact that teenagers who are most at risk to smoke are unlikely to be willing to take advice from their parents, let alone role-play social behavior with them. Parents whose children would be willing to do so are those least likely to try smoking.

Q: Is other information for parents presented on the website?

A: A three-video set is also offered on the website. The videos cover understanding why teenagers smoke, learning to listen, and building self-esteem. The first video indicates that adolescents are very concerned with "fitting in with the in crowd" and that the desire to fit in often leads them to smoke and try other drugs.

The second video focuses on risk factors to look for, such as a drop in grades and hanging out with the teenagers who get into trouble. It offers advice about how to communicate with teenagers by learning to listen to them and getting involved with them in positive activities.

The third video offers advice on how to help teenagers develop confidence and self-esteem through positive involvement with them.

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Q: Has Brown & Williamson evaluated the impact of these videos on parents' behavior or on the smoking behavior of their adolescents?

A: In my review of the website and of Brown & Williamson documents, I did not see any evidence that the impact of the videos has been evaluated.

Q: Based on your research and clinical experience, how likely do you think it is that these tapes will help to reduce adolescent smoking?

A: The advice that is given on these tapes is undoubtedly sound. However, my experience, and the research evidence on parenting-skills interventions, indicates at least three reasons why these tapes are unlikely to have much benefit in preventing smoking.

The first reason is that it typically takes considerably more help from a therapist for parents whose teenagers are at risk for smoking and other problems to develop the types of supportive relationship with their teenagers that the tapes advocate. Modeling, role-play practice, weekly homework assignments, and a lot of positive reinforcement from a therapist are usually required. The tapes may be a useful reminder to parents who already have the skills, but these are not the parents with adolescents most likely to smoke. For parents who have difficult relationships with their teenagers, it is unlikely that the tapes will lead to improved relationships with their teenagers, let alone to effective communications with the teenagers about their not smoking.

Second, the tapes are not clear about the need to set limits on adolescents' activities. It is not enough to build a positive relationship if parents do not make and enforce rules about, for example, where and with whom teenagers can be after school and on weekends. This type of "monitoring and limit setting" has been shown in numerous studies to be a key influence in preventing adolescent problem development. For

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example, see the peer-reviewed paper in Demonstrative 23, Biglan, Duncan, Ary, & Smolkowski, 1995 (U.S. Exhibit 73,221). Parenting interventions that have been shown to lower adolescent problem behaviors consistently include detailed instructions and behavior rehearsal on how to "set limits." These tapes do not provide sufficient information and modeling of these important parenting skills.

A third reason to question the efficacy of these tapes is that few parents—especially parents of children who are at risk to smoke—are likely to come to this website.

Q: Is there other information about parenting presented at the website?

A: Yes, the website also promotes a book for parents, *Generation Risk, How to Protect Your Teenager from Smoking and Other Dangerous Behaviors*, by Corky Newton. Evidence indicates that only five or ten thousand copies of the book have been sold, but the company paid for 25,000 copies; copies were distributed to States Attorneys General and to every member of Congress. Deposition of Claudia Newton, United States v. Philip Morris et al., April 17, 2002 at 243:21-244:16 and 248:3-6.

Q: Is there evidence that a book for parents can lower the prevalence of adolescent tobacco use?

A: I am not aware of any such evidence. There are books on parenting that have been used in conjunction with behavior therapy sessions to help parents develop their parenting skills. However, these interventions involve weekly sessions in which skills are modeled, practiced, and then tried at home. Simply reading a book—even a book with precise descriptions of the skills parents need—has not been shown to bring about changes in parent behavior.

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There is also a question about the reach of such an intervention. Even if 25,000 books were read by 25,000 parents, there is no evidence about the number of those parents who would have adolescents at risk to smoke. Even if all families reached had adolescents at risk to smoke, the number would be a very small proportion of all the adolescents who begin smoking each year.

Q: Does the website present any other materials directed at parents?

A: It presents a public service announcement, called "Smoke Signals." This advertisement emphasizes the role of peer influence and of parents in young people starting to smoke. It makes no mention of the tobacco companies' cigarette marketing practices.

Other sections describe a National Conference on Youth Smoking Prevention that was held in 2000 and the rising use of bidis—a hand rolled, flavored Indian cigarette. There is a tape-recorded interview with Mattie Mack, a tobacco farmer who raised 4 children and 38 foster children and prohibited all of them from smoking. The discussion that she has with Corky Newton emphasizes the importance of peer influences and parents in adolescents beginning to smoke. No mention is made of the marketing practices of the tobacco companies.

Q: Considering all of the materials for parents available at this website, what is your conclusion regarding their value in preventing adolescent smoking?

A: A website of this sort probably reaches very few parents. It is also likely that parents who visit the website will be parents whose children are at relatively low risk to smoke. With respect to the specific materials that are available, there is no evidence that they will have much impact on adolescent smoking.

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4. ***R.J. Reynolds***

Q: You testified that R.J. Reynolds had a youth smoking prevention campaign directed at parents. Can you describe this campaign?

A: The R.J. Reynolds website describes, and includes the text of, three youth smoking prevention booklets intended for parents: "Tobacco: Helping Your Child Say No!"; "Choices: Helping Your Child Make the Right Ones"; and "How to Talk to Your Kids About Not Smoking Even If You Do." They also have a booklet for grandparents. http://www.rightdecisionsrightnow.com/parents/booklets.asp.

"Tobacco: Helping Your Child Say No" briefly discusses peer influences on adolescents, the value of parental involvement with their teenagers, why "kids should not smoke," talking to your teenager about not smoking, helping teenagers resist peer influence, discussing the power of peer influence, helping teenagers make responsible decisions, and maintaining communication with teenagers. Under the heading, "Kids Should Not Smoke," the booklet states, "Personal lifestyle choices, such as the decision to smoke or drink, should only be made by informed adults." http://www.rightdecisionsrightnow.com/booklets/tobacco.asp#KIDS%20SHOULD%20NOT%20SMOKE, accessed October 19, 2004.

The booklet, "How to Talk to Your Kids about Not Smoking Even If You Do," discusses peer pressure, the desire to appear more mature, and family factors as the reasons that "kids smoke." No mention is made of cigarette marketing practices or the role that image advertising has in influencing adolescents to believe they will appear more mature or will fit in with peers if they smoke.

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"Choices: Helping Your Child Make the Right Ones" presents a more general discussion of risk and protective factors for adolescent problem behavior and what can be done to reduce the risks. In the spring of 2002, the R.J. Reynolds website stated that the booklets have been made available to pediatricians throughout the country and that they were mailed to all guidance counselors in middle and junior high schools that are receiving the "Right Decisions, Right Now" posters and study guides.

Q: What, if any, steps has R.J. Reynolds taken to evaluate the effectiveness of its youth smoking prevention campaigns directed at parents?

A: I am not aware of any research that R.J. Reynolds has conducted to determine whether the booklets or its website reduce youth smoking.

Q: How effective are R.J. Reynolds' youth smoking prevention campaigns directed at parents?

A: As I testified above, empirical evaluations of brochures and mailings to parents about talking to their children about not smoking have not shown that these strategies influence parents to talk to their children or that these brochures and mailings reduce youth smoking. Peer-reviewed papers on such evaluations are cited in Demonstrative 23 as Biglan, Ary, Yudelson et al., 1996 (U.S. Exhibit 73,220) and Biglan, Severson, Ary, Faller et al., 1987 (U.S. Exhibit 73,223).

Q: Are you aware of any evaluations of Defendants' youth smoking prevention advertising campaigns that target parents?

A: No. Earlier I testified that, given the empirical literature, advertising campaigns that target parents for youth smoking prevention should routinely be evaluated in terms of (a) their efficacy in getting parents to talk to their children about not using tobacco or

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otherwise set limits around smoking and (b) their actual impact on youth smoking. I have not seen any evidence that the Defendants have used such experimental evaluations to determine whether their campaigns affect parent-child conversations about smoking and I have seen no evidence that Defendants assess the impact of these campaigns on adolescents smoking at all.

Q: Based on your review of Defendants' youth smoking prevention programs directed at parents, how effective are these programs in reducing adolescent smoking?

A: Based on the research and clinical work I have done with families on issues of smoking and other aspects of adolescent problem behavior, I do not believe that the media, pamphlets, and web-based advice that Defendants are aiming at parents will contribute to reducing the prevalence of adolescent tobacco use.

Research conducted at Oregon Research Institute has found that bringing about a change in parenting practices requires considerably more direct instruction and guidance to parents than the tobacco companies' interventions provide. Moreover, a major problem that other researchers—including researchers at Oregon Research Institute—have encountered is the problem of reaching the parents who most need assistance and effectively involving them in a behavior change effort. We have found it necessary to provide considerable incentives to involve parents of at-risk youth in behavior change efforts. These interventions do not provide those incentives.

This is not to say that mass media directed at parents could not have some benefit. Even a small effect could be of value if it occurred in a large population of parents. However, given the current lack of evidence for the efficacy of such a media campaign, any organization that seeks to reduce adolescent smoking through media directed at

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parents would need to evaluate experimentally the impact of the campaign in order to determine whether it reduces adolescent smoking.

D. *Reducing Teenage Access to Cigarettes*

Q: Have you reviewed Defendants' efforts to reduce adolescent access to tobacco?

A: Yes, I reviewed descriptions of the access reduction efforts that are available on Defendants' websites and internal tobacco company documents regarding the tobacco companies' access reduction efforts.

Q: And have you read the literature on adolescent access to tobacco?

A: Yes. Additionally, over the past 15 years, I have done research on the use of a Reward and Reminder program to reduce the proportion of tobacco outlets that sell to minors.

Q: What do you conclude from your review of the Defendants' materials and of the empirical evidence?

A: I draw three conclusions. First, three methods for reducing sales of tobacco to those under the legal age of purchase have been tested, but only two of these methods appear to have a reliable and lasting impact on such sales to adolescents. Second, existing studies show that it is unlikely that even very significant reductions in illegal sales of tobacco will significantly reduce the prevalence of adolescent smoking. Third, the Defendants are implementing the access reduction method shown to be the least effective at reducing youth smoking and least likely to produce sustained effects.

Q: Please describe the three methods for reducing illegal sales to youth.

A: There are three methods evaluated. The first of these is merchant education. The second method is community reward and reminder programs. The third method is increased enforcement of laws against retailers who sell cigarettes to underage youth.

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Q: First, what is merchant education?

A: Merchant education includes visiting retail outlets and providing them with signs and information to give to clerks in order to encourage them not to sell tobacco to young people. For example, a tobacco reduction coalition in a community might put together packets of information on the problem of illegal sales of tobacco and have teams of people go to each outlet in the community. They might ask them to agree not to sell and would give them signs to post about how the store will not sell tobacco to minors. In some cases, clerks receive training about how to refuse to sell to minors. The tobacco companies' "We Card" program is a form of merchant education.

Q: What does the empirical evidence show about the effectiveness of merchant education in reducing illegal sales?

A: One peer-reviewed study found this approach to reduce sales to underage buyers in the short term. A peer-reviewed paper describing this study is cited in Demonstrative 23 as Altman, Foster, Rasenick-Douss, & Tye, 1989 (U.S. Exhibit 73,215). However, another peer-reviewed study has shown that large reductions in sales do not typically continue. A peer-reviewed paper describing this study is cited in Demonstrative 23 as Altman, Rasenick-Douss, Foster, & Tye, 1991 (U.S. Exhibit 73,217).

Q: Second, what are reward and reminder programs?

A: A reward and reminder program involves mobilizing community support for not selling tobacco to those under 18 and making that support explicit through a proclamation that is distributed to all tobacco outlets, along with signs about the outlet not selling tobacco to those under 18. Then, underage adolescents attempt a series of purchases at each tobacco outlet. If a clerk agrees to sell, he or she receives a brief written reminder from the

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adolescent that the law makes it illegal to sell to those who are underage. If a clerk refuses to sell, the adolescent hands out a gift certificate worth $5 or $10 and thanks the clerk for obeying the law. The refusals of clerks are recognized and celebrated in press releases and flyers in order to provide public recognition for the retailers who obey the law.

Q: How effective is this approach in reducing illegal sales?

A: This approach significantly reduced illegal sales from 57% to 22% of outlets in eight small Oregon communities. Two peer-reviewed papers that are cited in Demonstrative 23 describe this study. They are Biglan, Henderson et al., 1995 and Biglan, Ary, Koehn et al., 1996.

Statewide replications of the program in Wyoming and Wisconsin showed that the program produced very substantial reductions in the percentage of stores willing to sell. The illegal sales rate in Wyoming went from 55 to 9% of outlets, while the rate in Wisconsin went from about 34% to less than 9%. A graph of these results is in the credentials section of my testimony.

Q: Third, please describe the increased enforcement of laws against retailers who sell cigarettes to young people.

A: Increased enforcement of laws prohibiting the sale of cigarettes to minors typically occurs when there is a community effort by a tobacco control group to urge stepped up enforcement. Often the process includes passage of a local ordinance that increases penalties for illegal sales and requires frequent compliance checks, which involve an underage teenager going into a store and attempting to purchase tobacco. A peer-

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reviewed paper describing this study is cited in Demonstrative 23 as Altman, Linzer, Kropp, Descheemaeker, Feighery, & Fortmann, 1992 (U.S. Exhibit 73,216).

Q: How effective is increased enforcement of laws against illegal sales in reducing illegal sales?

A: Vigorous enforcement of such laws does lead to a reduction in illegal sales. One effort to get communities to adopt model ordinances concerning illegal sales led to reductions of sales to as few as five percent of outlets. Other studies show that vigorous enforcement of the law leads to reductions in sales. Peer-reviewed papers describing this study are in Demonstrative 23 as Forster, Murray, Wolfson, Blaine, Wagenaar, & Hennrikus, 1998 (U.S. Exhibit 73,411) and Forster & Wolfson, 1998 (U.S. Exhibit 73,244).

Q: Dr. Biglan, please describe more fully your second conclusion.

A: Existing evidence makes it doubtful that even very significant reductions in illegal sales of tobacco will significantly reduce the prevalence of adolescent smoking. Research on whether reducing teenage access to tobacco can prevent adolescent smoking is mixed. Initially, there seemed good reason to believe that reducing illegal sales of tobacco to young people could help to prevent teenage addiction to cigarettes because laws were seldom enforced and young people were obtaining a large proportion of their cigarettes from commercial outlets. A peer-reviewed paper describing this study is cited in Demonstrative 23 as Forster & Wolfson, 1998 (U.S. Exhibit 73,244).

Some peer-reviewed studies of the effects of access reduction programs on youth smoking have shown that reducing access is associated with fewer young people smoking. Peer-reviewed papers describing these effects are cited in Demonstrative 23 as

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DiFranza, Carlson, & Caise, 1992; Forster et al., 1998 (U.S. Exhibit 73,411); Hinds, 1992 (U.S. Exhibit 73,248); Jason, Ji, Anes, & Birkhead, 1991 (U.S. Exhibit 73,252).

However, other (peer-reviewed) studies have not shown an effect of access reduction on adolescent smoking prevalence. Peer-reviewed papers describing these studies are cited in Demonstrative 23 as Altman, Wheelis, McFarlane, Lee, & Fortmann, 1999 (U.S. Exhibit 73,218); Cummings, Hyland, Perla, & Giovino, 2001; DiFranza et al., 1992; Rigotti, DiFranza, Chang, Tisdale, Kemp, & Singer, 1997 (U.S. Exhibit 73,276).

In a meta-analysis of available studies to see if, over all, there was a relationship between reductions in access and reductions in smoking prevalence, researchers did not find a statistically significant relationship. Indeed, the relationship between the amount of access reduction from commercial sources and changes in prevalence was positive, but nonsignificant; that is, there was a tendency for places that decreased access the most to have *increases* in teenage smoking prevalence. A peer-reviewed paper describing this analysis is cited in Demonstrative 23 as Fichtenberg & Glantz, 2002 (U.S. Exhibit 65,950).

Q: Why would it be that reducing illegal sales to adolescents does not result in a reduction in adolescent smoking prevalence?

A: There are at least two reasons why access reduction may not prevent adolescent smoking. One reason is that even a small number of outlets selling to young people could provide a sufficient supply to enable those young people to become addicted. See the peer-reviewed papers in Demonstrative 23, DiFranza, 2000 and Forster & Wolfson, 1998 (U.S. Exhibit 73,244).

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The second reason is that young people appear to get many of their cigarettes from social sources, including friends and family members, as shown by the peer-reviewed studies in Demonstrative 23, Forster et al., 1998 (U.S. Exhibit 73,411) and Jones, Sharp, Husten, & Crossett, 2002 (U.S. Exhibit 73,251). Thus, even if all sales of cigarettes to young people were ended, young people might be able to get enough cigarettes from social sources to become addicted smokers. There is undoubtedly a need for further research on this problem. Some peer-reviewed studies suggest that, if access reduction efforts could reduce sales to fewer than 10% of outlets in a locale, it would affect prevalence of smoking. See peer-reviewed paper in Demonstrative 23, Forster & Wolfson, 1998 (U.S. Exhibit 73,244).

Only one of the peer-reviewed studies to date was a randomized controlled trial. This study is described in the peer-reviewed paper listed in Demonstrative 23 as Forster et al., 1998 (U.S. Exhibit 73,411). Further randomized trials would provide more precise and thorough tests of the value of access reduction for reducing adolescent smoking prevalence. However, before additional resources are put into widespread implementation of access reduction, there should be several, well-controlled studies showing that access reduction does reduce smoking prevalence. In the absence of such evidence and considering current research, widespread efforts to reduce illegal sales would appear to be of questionable value. In any case, any effort to reduce sales should include careful, ongoing monitoring of illegal sales rates and the prevalence of adolescent tobacco use.

Q: Dr. Biglan, please elaborate on your third conclusion.

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A: The tobacco companies are implementing the least effective method of reducing illegal sales of tobacco to adolescents. Each Defendant supports the "We Card" program, which offers "free training seminars, in-store signage, and educational materials." An online catalogue lists signage and training materials available for purchase. The types of training offered include classroom, online, CD-ROM, and in store training. http://www.philipmorrisusa.com/policies_practices/vsp/responsibleretail/we_card.asp, accessed October 19, 2004.

Q: Based on the available evidence, how likely is it that the "We Card" program is reducing illegal sales and adolescent smoking prevalence?

A: As I explained above, the effects on illegal sales of merchant education programs such as "We Card" have proven to be modest and short-lived. There has been no evidence that they result in reductions in adolescent tobacco use. A peer-reviewed paper discussing this is cited in Demonstrative 23 as Feighery, Altman, & Shaffer, 1991 (U.S. Exhibit 73,237).

Q: Have Defendants evaluated the effectiveness of the "We Card" program in reducing illegal tobacco sales to minors?

A: Stephen R. Strawsburg was named Vice President of Public Issues for R.J. Reynolds in May 1999. His primary duties are to implement, execute, and develop youth nonsmoking programs for R.J. Reynolds Tobacco Company. In his deposition in this case, Mr. Strawsburg indicated he was unaware of any effort to assess whether tobacco outlets in the "We Card" program were selling tobacco to young people. Deposition of Stephen R. Strawsburg, United States v. Philip Morris et al., May 23, 2001, at 19:11-13.

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Claudia Newton, the former head of Brown & Williamson's youth smoking prevention effort, testified that Brown & Williamson did not conduct any studies of the program's effectiveness. Deposition of Claudia Newton, United States v. Philip Morris et al., April 17, 2002 at 210:4-17, 213:5-16.

In his August 5, 2004 deposition, Howard Willard, was asked what evaluations Philip Morris had performed on the effects of its access reduction efforts. He testified, "…we have monitored the number of kits distributed and the presence of that point of sale at retail stores to make sure it gets broad penetration." Deposition of Howard Willard III, United States v. Philip Morris et al., August 5, 2004, 136:5-8. When asked whether there had "…been any studies or evaluations of the effectiveness of the access prevention program in reducing youth access…" he testified, "I don't that think Philip Morris USA has done any…" and that he was not sure whether the third party organization, the Coalition for Responsible Tobacco Retailing, may have done an evaluation. Deposition at 136:9-15.

Mr. Willard further testified, "…our research organization …keeps the [Youth Smoking Prevention] Department abreast of new developments in youth smoking prevention and also researches the various approaches we use for preventing youth smoking." Deposition of Howard Willard III, United States v. Philip Morris et al., August 5, 2004, 259:16-20. However, when asked if had read the peer-reviewed analysis by Fichtenberg and Glantz (U.S. Exhibit 65,950; VXA 1810164-0183), cited above, on the effects of access reduction programs, he replied, "I actually—I don't know whether I've read that article or not." Willard Deposition at 136:21-25. In addition, when asked whether he could recall the conclusions of the articles he had read on youth access

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prevention, he testified, "No, I don't." Deposition at 137:5-7. Finally, Mr. Willard was asked, "Do you recall whether those articles discuss whether youth access prevention programs actually reduce youth smoking?" He replied, "I don't recall." Deposition of Howard Willard III United States v. Philip Morris et al., August 5, 2004, 137:8-11.

Q: Have you reviewed Defendants' previous "It's the Law" program?

A: Yes, I have. One peer-reviewed study reported data on "It's the Law," the industry's predecessor to the "We Card" program. "It's the Law" was implemented by the Tobacco Institute in 1990, in response to growing public concern about illegal sales of tobacco to youth. In a study of 480 purchase attempts in Massachusetts, outlets displaying "It's the Law" signage were no less likely to sell to youth than other outlets were. A peer-reviewed paper detailing this study is cited in Demonstrative 23 as DiFranza, Savageau, & Aisquith, 1996 (U.S. Exhibit 73,234).

Q: Did any of the Defendants evaluate the effectiveness of the "It's the Law" program?

A: Philip Morris conducted a study of the "It's the Law" program. An interoffice memorandum stated, "Philip Morris has recently developed the 'Ask First/It's the Law' public affairs campaign." According to the document:

> The following objectives are viewed as central to (but not exhaustive of) the research that was conducted:
>
> - To explore general awareness of/feelings about this program– among smokers (18-24 years of age) and among convenience store employees;
> - To explore trade compliance and participation with this program;
> - To explore any strengths/weaknesses of the program and any areas for refinement/enhancement;

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- To explore reactions to the "It's the Law" program, it's influence on Philip Morris imagery, and it's influence on feelings about specific brands;

- To explore the reactions of 18-24 year old smokers to the end results of this program (i.e., in-store signage, being "carded," having to carry identification, etc.).

2047139045-9055 at 9044 (U.S. Exhibit 22,355)

The document shows that Philip Morris did evaluate whether the tobacco industry's "It's the Law" program might be offensive to its customers or to convenience store owners. Thus, although the company did not assess whether the program reduced sales to young people, it did assess public perception of the program.

Q: How does this document inform your conclusion about the purpose of Philip Morris' "It's the Law" program?

A: Above I mentioned the value of the tobacco companies' youth smoking prevention activities for improving their image and preventing restrictions on their marketing. This research is an example of the attention that Philip Morris has paid to the impact of its access reduction efforts on the company's image.

Q: Dr. Biglan, in terms of reducing youth smoking, how effective are Defendants' programs in reducing illegal sales that you have just described?

A: I have seen no evidence that these programs are effective in reducing illegal sales of tobacco to adolescents. Additionally, the empirical evidence currently suggests that, even if they were reducing illegal sales, such sales reductions would not contribute to reducing the prevalence of adolescent tobacco use.

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E. Skills and Experience of Tobacco Company Youth Smoking Prevention Personnel

Q: Dr. Biglan, did you evaluate the credentials and experience of the Defendants' employees responsible for youth smoking prevention?

A: Yes.

Q: And what did you conclude from this review?

A: That the Defendants have transferred employees from other departments within their companies to their respective youth smoking prevention departments and that these employees have little or no experience or education in prevention research or practice.

Q: Please describe the backgrounds of Philip Morris employees who are currently responsible for Youth Smoking Prevention.

A: Carolyn Levy, the former and now retired Senior Vice President of Youth Smoking Prevention, testified that she has a Ph.D. in experimental psychology and had worked in research "…for my entire career at Philip Morris." However, she acknowledged that she did not have any specific background in youth smoking prevention. Deposition of Carolyn Levy, U.S. v. Philip Morris et al., April 26, 2002, 568:12-24. Howard Willard, the current Senior Vice President of Youth Smoking Prevention and Corporate Responsibility for Philip Morris, obtained an MBA from the University of Chicago and testified that he had no educational background in youth smoking prevention, and had only minimal job experience with youth smoking prevention issues. In fact, his only previous job-related experience involved dealing with retail access prevention programs as a Regional Vice President of Sales at Philip Morris. Deposition of Howard Willard

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III, United States v. Philip Morris et al., August 5, 2004 at 53:20-23; 54:12-16; 56:16-23; 68:20-25.

As for the other employees currently in the Philip Morris Youth Smoking Prevention Department, Mr. Willard testified that the:

- Senior Director for Programs of Youth Smoking Prevention had no prior experience in youth smoking prevention. Willard deposition at 33:23-34:9.
- Research Director for Youth Smoking Prevention was a Ph.D.-level psychologist, but that he had no prior experience in youth smoking prevention. Willard deposition at 34:10-35:14.
- Senior Director of Corporate Responsibility and Cessation Support had previously worked in sales and in that capacity had been involved in youth access reduction activities. However, she had no experience in smoking cessation—an activity that requires distinctly different skills and knowledge than access reduction efforts do. Willard deposition at 35:15-37:19.
- Youth Access Prevention Manager had previously been a sales manager and had some experience working on youth access issues in retail stores. Willard deposition at 37:20-39:3.
- Grant-Making Manager for Youth Smoking Prevention was previously a director in Philip Morris' purchasing department, and Mr. Willard did not know of any specific experience that she had in the area of youth smoking prevention. Willard deposition at 39:4-40:7.
- Strategic Planning Manager had previously worked in the government affairs section of Altria and had worked for the National Conference of State Legislators.

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Mr. Willard thought she had been involved in youth smoking prevention issues in her past work, but could not say for certain. Willard deposition at 40:17-41:20.

- Cessation Manager had been in his position for 10 months. Before that, he worked in Philip Morris Research and Development. According to Mr. Willard, the cessation manager "…had significant scientific experience and research experience…" but he did not indicate that he had experience in counseling smokers to quit or in evaluating smoking cessation programs. Willard deposition at 41:21-43:2
- Person responsible for research on parent communications had been a manager in the Quality System Analysis and Complaint Handling Group. She had a master's degree in statistics, but no prior experience in smoking prevention or parent communications. Willard deposition at 44:16-45:10.
- Youth Smoking Prevention Manager within the Corporate Responsibility and Cessation Support Group had no prior experience in youth smoking prevention. Willard deposition at 46:17-47:12.
- Cessation Support Manager in the group for Corporate Responsibility and Cessation Support Group had no prior experience in youth smoking prevention. Willard deposition at 47:13-48:13.

Mr. Willard's testimony also demonstrated that he does not understand the methodological principles relevant to evaluating the effects of preventive interventions. For example, when asked whether he was aware "of any other studies that have been done on youth smoking prevention programs, whether at Philip Morris or elsewhere, that test the effectiveness of those programs to youth smoking rates," Mr. Willard replied,

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"I'm not aware of any study that can quantify the connection between a program and a specific decline in youth smoking rates." Deposition of Howard Willard III, United States v. Philip Morris et al., August 5, 2004, 175:24-176:11.

Q: How is the testimony you have just discussed relevant to your conclusions?

A: The current employees in the Youth Smoking Prevention Department of Philip Morris lack the training or experience in youth smoking prevention, smoking cessation, or in prevention or treatment interventions more generally. From Mr. Willard's testimony, it appears that Philip Morris has no staff with experience working directly with adolescents on issues related to smoking or other youth problems. A couple of employees may have experience in research methods relevant to determining whether prevention or cessation interventions work. However, based on Mr. Willard's testimony and that of Carolyn Levy, it appears that none of the Youth Smoking Prevention group has the skills relevant to identifying programs that have been empirically validated, developing programs that are likely to work, or evaluating the impact of the programs.

Q: Please describe the backgrounds of the people responsible for youth smoking prevention at the other tobacco companies.

A: Steven Craig Watson, Lorillard Vice President External Affairs and head of their youth smoking prevention activities, described his training and background in his deposition in this case. He received a Bachelor's degree in political science from George Washington University. He had a series of positions in government and political campaigns. In 1996, he went to work for the Miami Heat NBA basketball franchise; in 2000, he was their Vice President of Broadcasting and Communications. In July 2000, he took his current

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position with Lorillard. Deposition of Steven Craig Watson, United States v. Philip Morris et al., April 2, 2002, 16:19-17:4, 18:23-25.

Mr. Watson testified that he had never done any work that required him to develop programs for youth and that during his hiring interviews he was not asked if he had any experience in working with youth. He further testified that he was not familiar with any specific studies assessing the effectiveness of the "We Card" program. Deposition of Steven Craig Watson, United States v. Philip Morris et al., April 2, 2002, 25:8-26:1, 109:2-7.

In her deposition in this case, Claudia Newton, Vice President for Corporate Responsibility and Youth Smoking Prevention from 1997 to 2001, was asked whether in staffing the Brown & Williamson youth smoking prevention effort, "…skills with regard to public education or youth education or working with youth…" were "…desirable qualifications…" She testified,

> No. And the reason was there was never any intention that this person would end up working directly with youth or providing any sort of educational programs directly.

When asked if she wanted staff "…with any kind of background in parent-child education," she testified, "I wanted somebody who was a parent."

With respect to her own qualifications to lead Brown & Williamson's smoking prevention efforts, she testified,

> I think I became qualified for my job more and more as I began to gather information and learn about the subject area. And never having worked with kids before and never having worked in prevention area before, a lot of this was new, but I had the basic management skills and I had—I guess I had the passion and personal concern.

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Deposition of Claudia Newton, United States v. Philip Morris et al., April 17, 2002, 78:18-25, 80:22-24, 86:21-87-3.

According to his deposition in this case, Stephen Strawsburg is R. J. Reynolds Vice President of Public Issues and has been since May of 1999. His primary duty "is to continue to implement, execute, and develop [the company's] youth nonsmoking programs." In reading his deposition, I could find no evidence that he has read the literature on smoking prevention, is familiar with methods of evaluating smoking prevention programs, or has used research evidence in developing the Right Decisions, Right Now program. Deposition of Stephen Strawsburg, United States v. Philip Morris et al., May 23, 2001, 12:5-14.

Q: Is there any research that addresses whether Defendants have evaluated the impact of their youth smoking prevention programs?

A: Yes. A peer-reviewed study describes a systematic search of publicly available tobacco industry documents. The study concluded the following:

> We searched industry document sites by using an extensive list of terms, including "evaluation," "assessment," "tracking," "outcome," "research," "result," and the names of every youth program we had identified, in an attempt to find any industry research on the effectiveness of tobacco companies' 'youth smoking' programs. We did not find any evidence that these programs had been evaluated in terms of effect on the rates of youth smoking. Instead, tobacco companies studied the reach and effectiveness of these programs as though they were public relations campaigns, tracking the number of 'media hits,' awareness of the program among adults, and the effect of the program on their corporate image.

This peer-reviewed study is cited in Demonstrative 23 as Landman, Ling, & Glantz, 2002 VXA 3160729-0742 at 733-734 (U.S. Exhibit 73,365).

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F. ***Master Settlement Agreement***

Q: Does the Master Settlement Agreement impose any restrictions upon Defendants to reduce the incidence of youth smoking?

A: Specifically, the Master Settlement Agreement under section III (l), requires in its entirety:

> (l) Corporate Culture Commitments Related to Youth Access and Consumption. Beginning 180 days after the MSA Execution Date each Participating Manufacturer shall:
>
> (1) promulgate or reaffirm corporate principles that express and explain its commitment to comply with the provisions of this Agreement and the reduction of use of Tobacco Products by Youth, and clearly and regularly communicate to its employees and customers its commitment to assist in the reduction of Youth use of Tobacco Products;
>
> (2) designate an executive level manager (and provide written notice to NAAG of such designation) to identify methods to reduce Youth access to, and the incidence of Youth consumption of, Tobacco Products; and
>
> (3) encourage its employees to identify additional methods to reduce Youth access to, and the incidence of Youth consumption of, Tobacco Products.

Master Settlement Agreement, 0215-0479 at 0249 (U.S. Exhibit 36,251).

The Master Settlement Agreement does not require that youth smoking prevention activities be research-based or empirically evaluated. Nor are there financial or other incentives for reducing adolescent smoking prevalence or penalties for failing to do so. The MSA also does not mandate that companies spend any specific amount on youth smoking prevention or cessation activities. Finally, there is no requirement that the tobacco companies hire or place individuals in the position of an "executive level manager" who have education, skills or experience in prevention research or practice. Indeed, as I have testified, the tobacco companies have not hired or placed individuals with such experience in positions within their youth smoking prevention departments.

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Q. Did Defendants discuss their youth smoking prevention efforts in their opening statement in this case?

A: Yes, Philip Morris counsel represented in the opening statement: "Your Honor, Philip Morris has become a dedicated advocate to try to play its role in reducing youth smoking, obviously a very serious societal problem that Philip Morris recognizes...[T]he company has funded that department with over a hundred million dollars a year for the past six years," and:

> We have a four-prong program that deals with communications with youths and their parents about not smoking; we provide grant money to other groups that will develop positive youth development programs that help programs for kids not to smoke; we engage in substantial access prevention to keep kids from obtaining cigarettes; and we actually do research so we can better figure out why kids do smoke so we can better design our commercials.

Opening Statement, September 22, 2004, at 396:17-397:23.

Q. Do you agree with this portrayal of Philip Morris's current youth smoking prevention efforts?

A: No. As I believe my testimony shows, Philip Morris's youth smoking prevention efforts are ineffective and Philip Morris is not evaluating their impact on youth smoking prevalence.

Q: How much did Philip Morris spend on youth smoking prevention activities in 2002?

A: In the opening statement, counsel for Philip Morris said its Youth Smoking Prevention budget has been about $100 million a year for the last several years.

Q: What did Philip Morris spend on marketing its cigarette brands in 2002?

A: I cannot discuss the 2002 marketing budget for Philip Morris because Philip Morris has identified it as confidential information not subject to public disclosure. However, I

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looked at its 2001 marketing budget. It shows the revised forecast budget for marketing of Marlboro alone for the year 2001 to be more than $3.5 billion. 2085298135-8136 at 8135 (U.S. Exhibit 25,253).

Q: Are these figures relevant to your conclusions?

A: I calculate that $100 million is less than 3% percent of $3.5 billion, which means that Philip Morris is spending more than 30 times on marketing Marlboro than it is spending on youth smoking prevention. Therefore, the approximately $100 million dollars that Philip Morris budgets for youth smoking prevention activities is small in comparison to its substantial expenditures on marketing – about one thirtieth of what the company spends marketing cigarettes.

G. *Smoking Prevention Research and the Hutchinson Study*

Q: Did you file a third expert report in this case relating to the Hutchinson study?

A: Yes.

Q: What is the Hutchinson study?

A: The Hutchinson Study was a peer-reviewed study that evaluated a single type of preventive intervention–one that focused on social influences to smoke. See the peer-reviewed paper on this study in Demonstrative 23, cited as Peterson, Kealey, Mann, Mrazek, & Sarason, 2000 (U.S. Exhibit 64,684). It did not include a number of the components that are in empirically validated Life Skills Training program. See above, Peterson et al., 2000 (U.S. Exhibit 64,684).

Specifically, the Hutchinson intervention included:

- Skills for identifying social influences to smoke
- Skills for resisting influences to smoke

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- Information for correcting erroneous normative perceptions regarding smoking and for promoting tobacco-free social norms
- Motivating students to want to be smoke free
- Promoting self-confidence in one's own abilities to refuse pressures or influences to smoke, and
- Enlisting positive family influences.

Peterson et al., 2000, page 1981 (U.S. Exhibit 64,684). However, it did not employ a number of components that other successful programs have included, such as:

- Decision-making skills training
- Making a public commitment not to use tobacco
- Skills for listening to others
- Effective communication skills
- Coping skills, such as anger-management and self-control
- Other life skills such as job search skills

A number of prevention scientists have criticized the Hutchinson study for not evaluating effects before the end of high school. By failing to do so, the Hutchinson study failed to establish–as other evaluations of social-influence interventions have established–that it could prevent smoking even in middle school and early high school years. If the Hutchinson intervention failed to do this, then it failed to show that it was even as effective as other social influence interventions and thus, is a poor basis for evaluating the long-term effects of social influence interventions.

The Hutchinson study was called a "gold standard" because of its methodological features–a true randomized trial where schools were assigned to conditions, the fidelity of

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implementation was monitored, the long-term effects of the intervention were assessed, and a large proportion of young people were assessed in follow-up. See the referred-to document in Demonstrative 23, Clayton, Scutchfield, & Wyatt, 2000 (U.S. Exhibit 64,689). It was not called the "gold standard" because of its results. In any case, Dr. Clayton's statement has been roundly criticized by other researchers because it fostered news reports stating that no prevention programs were effective. Not even Dr. Peterson, the principal investigator in the Hutchinson study, agrees with that characterization.

Dr. Peterson himself acknowledged the long-term effects of Life Skills Training on smoking among youth. Peterson et al., 2000 (U.S. Exhibit 64,684). He reiterated the point in a letter he wrote in reply to three commentaries written in response to the Peterson et al. (2000) paper. He wrote, "The HSPP results pertain only to the intervention approach tested in the HSPP trial–the social influences approach...–and not to the life skills training approach...or to school-plus-community-wide intervention…" His letter is cited in Demonstrative 23 as Peterson et al., 2001, page 1269 (JD 065892).

As the critical commentary pointed out, at least two meta-analyses of school-based prevention programs show very clearly that some types of smoking prevention programs have a significant impact on smoking.

Rooney and Murray's (1996) peer-reviewed meta-analysis of smoking prevention studies (1996; U.S. Exhibit 73,277; cited earlier, in Demonstrative 23) concluded:

> While the average effect sizes were modest, the results from this meta-analysis suggest that the impact of the peer or social programs may be improved if they are delivered early during the transition from elementary to middle school (e.g., 6th grade), if same-age peer leaders play a substantial role in delivering the intervention program, if they are part of a multi-component health program, if booster sessions are included in subsequent years, and if peers are not over trained. The optimal effect sizes estimated

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> from the final regression models were on the order of 0.50 to 0.80, which would be termed medium to large effects based on Cohen's scheme and would be equivalent to 19 to 29% reductions in smoking based on the area under the curve in the z-distribution. Thus, while the average effects were quite modest, the optimal effects predicted from this meta-analysis are more encouraging.

VXA1810474-0491 at 0487 (U.S. Exhibit 73,277).

It should be noted that the Rooney and Murray meta-analysis addressed one of the methodological problems that Dr. Rubin cited as threatening the validity of evaluations of school-based research, namely, the tendency of early studies to analyze data at the individual level, when schools–not students–were randomly assigned to conditions. Rooney and Murray corrected for the contribution of this problem to the outcomes of these studies, yet still concluded that the programs they reviewed–on average–can prevent some adolescent smoking.

Similarly, Tobler et al. (2000) conducted a meta-analysis that included more recent school-based prevention studies. Their peer-reviewed study concluded that school-based smoking prevention programs that involved interactions focused on skill development had a significant impact on youth smoking initiation. This peer-reviewed analysis is listed in Demonstrative 23 as Tobler, Roona, Ochshorn, Marshall, Streke, and Stackpole, 2000 (U.S. Exhibit 77,836).

Q: Does the Hutchinson study show that the dissemination of information about the harmful effects of smoking would have no effect on youth smoking?

A: No.

Q. Does the Hutchinson study show that the accuracy of the tobacco companies' public statements about the health effects of smoking and the addictiveness of cigarettes makes no difference in the number of young people who become smokers?

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A. No.

Q: Why not?

A: There are at least three reasons why I answered no to both of your questions above. First, as I have discussed earlier, the conduct of the tobacco companies that influences adolescents to smoke is their brand image marketing--as is shown by peer-reviewed literature and their own documents.

Second, your question would posit that, even if the tobacco companies had provided youth with information about the harmful effects of smoking, this would not have affected them. I am not aware of any empirically evaluated smoking prevention programs that focused solely on providing information about the health effects of smoking and many of the ones I am aware of did not provide this information at all. See the peer-reviewed paper listed in Demonstrative 23 as Skara & Sussman, 2003.

Studies of smoking prevention programs are not relevant to evaluating claims about the impact of Defendants' provision of health information for at least three reasons: (1) many programs do not even provide health information; (2) those that contain health information have additional components, so that one cannot make inferences about the impact of the provision of health information by itself; and (3) it is impossible to infer the impact of cigarette manufacturers' provision of health information on the basis of the effects of a school-based curriculum providing it.

Third, it is simply a mistake to state that the evidence shows that youth smoking cannot be prevented. This would require one to seize on one evaluation of one smoking prevention program and draw conclusions about the general efficacy of smoking prevention programs based upon it. It would overlook a significant amount of literature

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contradicting that assertion. Additionally, it would overlook considerable criticism of the Hutchinson study and the editorials that accompanied it. In particular, it would fail to consider two reviews of school-based smoking prevention research that conclude that some types of school-based interventions do reduce the proportion of young people who begin smoking. See these articles cited in Demonstrative 23 as Bliss, 2001 (U.S. Exhibit 72,938); Botvin, Sussman, & Biglan, 2001 (U.S. Exhibit 64,691); Cameron, Best, & Brown, 2001 (U.S. Exhibit 64,690); and Sussman, Hansen, Flay, & Botvin, 2001 (U.S. Exhibit 64,690).

Q: Do possible methodological shortcomings in smoking prevention studies show that smoking prevention is ineffective?

A: No. A peer-reviewed meta-analysis of this research did not find it to be the case that when high levels of methodological rigor are used, prevention interventions have been less effective. It reported that the effect size for the highest quality evaluations was the same as the effect size over all studies. See previously cited analysis in Demonstrative 23, Tobler et al., 2000 (U.S. Exhibit 77,836).

Moreover, at least three randomized controlled trials have shown that community interventions can help to prevent youth smoking. Two of these studies are reported in the papers listed in Demonstrative 23 as Biglan, Ary, Smolkowski, Duncan, & Black, 2000 (U.S. Exhibit 64,692); Forster, Wolfson, Murray, Wagenaar, & Claxton, 1997 (U.S. Exhibit 64,686) and Perry, Klepp, & Sillers, 1989 (U.S. Exhibit 64,685).

At the same time, it must be emphasized that–given the effectiveness and extent of tobacco company advertising and promotion of cigarettes–even the most effective

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prevention programs fail to prevent many youth from smoking. See the peer-reviewed paper in Demonstrative 23, Rooney & Murray, 1996 (U.S. Exhibit 73,277).

Indeed, in the Biglan et al. (2000) peer-reviewed study, although the intervention had a significant effect on the prevalence of youth smoking, the effect was simply to produce a lower rate of *increase* in prevalence in intervention communities than in control communities. The study was conducted during the early 1990s when the Joe Camel campaign was in full swing and smoking rates among youth were increasing nationwide. See the peer-reviewed paper in Demonstrative 23, Biglan, Ary, Smolkowski et al., 2000 (U.S. Exhibit 64,692).

Q: What overall conclusion have you reached about the Hutchinson study?

A: The failure of the Hutchinson study to prevent tobacco use does not indicate that the tobacco companies are helpless to prevent youth smoking. If anything, this failure illustrates that, in the face of sophisticated and effective tobacco marketing, even carefully conceived and well-implemented prevention programs may fail to prevent smoking.

There is considerable evidence that smoking prevention programs that employ a social influence intervention have long-term effects. One recent peer-reviewed study by Skara & Sussman (2003), which I cited earlier, reviewed 25 studies that obtained follow-up data on the impact of smoking prevention programs. Follow-up periods ranged between 24 months and 15 years. The mean length of follow-up was 69 months. The interventions tested included social influence programs designed to counteract normative social influences (group influences on individuals) and/or informational social influences (pressures to adopt attitudes favorable to smoking, including overestimates of the

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proportion of adolescents who smoke). Two of the studies included Life Skills Training program components that provide students with general life skills, such as stress management and coping more generally with peers. Five studies provided information about both short and long-term health effects, three discussed short-term effects only, and one emphasized only long term health effects. The studies included ethnically diverse populations and took place in North America and Europe.

The authors concluded:

> This review of long-term tobacco and drug use prevention intervention studies published since 1966 indicates that school- and community-based programs were effective in preventing or reducing adolescent cigarette, alcohol, and marijuana use across follow-up periods ranging from 2 to 15 years. The majority of these evaluations reported statistically significant program effects for smoking outcomes, indicating reductions in the percentage of baseline nonusers who initiated smoking in experimental versus control conditions ranging from 9 to 14.2%—lasting for up to 15 years.…Of the studies that had these data available, it was found that the large majority of interventions that produced initial positive program effects tended to maintain long-term reductions in substance use incidence and prevalence beyond 2 years.

See the peer-reviewed document listed in Demonstrative 23 as Skara & Sussman, 2003.

Q. Thank you, Dr. Biglan.

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Demonstrative 1: Empirical Studies on the Changes Associated with Adolescence
U.S. Exhibit 17,555

Puberty and Physical Growth

Steinberg, L. (1999). Intimacy. *Adolescence, Fifth ed.* (pp. 302-329). Boston: McGraw-Hill. (U.S. Exhibit 72,810)

Steinberg, L. (1999). Sexuality. *Adolescence, Fifth ed.* (pp. 330-365). Boston: McGraw-Hill. (U.S. Exhibit 72,810)

Udry, J.R. (1990). Hormonal and social determinants of adolescent sexual initiation. In J. Bancroft & J.M. Reinisch (Eds.): *Adolescence and puberty* (pp. 71-87). New York: Oxford University. (U.S. Exhibit 77,354)

Increasing Independence from Parents

Biglan, A., & Metzler, C.W. (1998). A public health perspective for research on family-focused interventions. R.S. Ashery, E.B. Robertson, & K.L. Kumpfer (Eds.): *Drug abuse prevention through family interventions*. NIDA Research Monograph 177 (pp. 430-58). NIH Publication NO. 99-4135. Washington, DC: National Institute on Drug Abuse.

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Demonstrative 1: Empirical Studies on the Changes Associated with Adolescence
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Demonstrative 2: Empirical Studies on the Relationships between Self-Image, Smoker Image, and Adolescent Smoking
U.S. Exhibit 17,556

Study	Sample (N)	Independent Variables	Dependent Variables	Outcomes
1. Barton, Chassin, Presson, & Sherman, 1982 (U.S. Exhibit 72,847)	286 sixth graders and 248 tenth graders	Subjects asked to rate pictures of adolescents in which the presence of a cigarette was systematically manipulated.	Ratings of the pictures on 12 adjective rating scales (e.g., tough-timid)	The majority of youth at both ages saw some of these attributes—being tough, having an interest in the opposite sex, and being with a group—as good things that they aspired to. Sixth grade girls, intentions to smoke were higher if the girls' self-image was closer to their image of a smoker on each of five attributes: wise, relaxed, good, drinks, and obeys. Both male and female tenth graders were more likely to intend to smoke if they saw smokers as closer to their ideal than nonsmokers are on being interested in the opposite sex.
2. Chassin, Presson, Sherman, & Margolis, 1988 (U.S. Exhibit 72,869)	429 high school students	Pictures of a boy holding either: (a) a can of chew, (b) a pack of cigarettes, or (c) a bag of corn chips.	Ratings of the boy on adjective rating scales (e.g., timid-brave; rough, rugged, vs. gentle, delicate)	Smoker seen as more rebellious, more brave, more rough/rugged, more likely to use drugs and alcohol, as well as more phony, less good at school, more unhappy, more lazy, more unhealthy, and getting along less well with family. Girls who admired the smoker image were more likely to smoke and boys who admired the non-smoker image were less likely to smoke.

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U.S. Exhibit 17,556

Study	Sample (N)	Independent Variables	Dependent Variables	Outcomes
3. Amos, Currie, Gray, & Elton, 1998 (U.S. Exhibit 77,283)	897 adolescents age 12 to 19.	Pictures of youth from youth and style magazines. The pictures were altered to create one version in which the person held a cigarette and the other in which the young person did not have a cigarette.	Ratings of the pictures on a set of attributes.	"It was found that the presence of a cigarette affected how the pictures were rated … In general, smoking images were rated as being more druggy, wild, and depressed. In contrast the matched nonsmoking images were rated as being more healthy, rich, nice, fashionable, slim, and attractive. Smokers and nonsmokers differentially rated themselves in the same way that they differentiated between smokers and non-smokers in the photographs. It is argued that these magazine images of smoking may be acting to reinforce smoking among young people." The authors suggest that smoking is as a strategy for gaining entry to certain groups, such as those that are wild, rebellious, not interested in school, or into taking risks.
4. Chassin, Presson, Sherman, Corty, & Olshavsky, 1981 (U.S. Exhibit 72,872)	175 Ninth and tenth grade students	Rated attributes of actual self, ideal self, ideal date, smokers, and nonsmokers	Smoking behavior and intentions to smoke (as a function of similarity of self-concept to that of a smoker.)	Smokers more likely than nonsmokers to have a self-concept that was like that for the image of smoking adolescents (than like that for the image of the nonsmoking adolescent). Nonsmokers whose ideal date was closer to that of the smoker than the nonsmoker were more likely to intend to smoke. Those who rated their self-image as closer to the smoking than the nonsmoking image in terms of toughness, foolishness, acts big, disobedient, and interested in the opposite sex, were significantly more likely to report an intention to smoke.

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Demonstrative 2: Empirical Studies on the Relationships between Self-Image, Smoker Image, and Adolescent Smoking
U.S. Exhibit 17,556

Study	Sample (N)	Independent Variables	Dependent Variables	Outcomes
5. Aloise-Young, Hennigan, & Graham, 1996 (U.S. Exhibit 77,282)	1,222 nonsmoking students assessed initially in 5ht through 8th grades and assessed again in the following academic year	Composite score ratings of self-image and smoker image on three traits: cool, sociable, and smart	Teens whose self-image was consistent with their rated image of a smoker on 2 of these 3 traits significantly more likely to start smoking in the next academic year.	Looking at individual traits, when young people's self-image was consistent with the way they had rated smokers on the traits involving "cool" and "smart," they were significantly more likely to take up smoking.
6. Perry, Murray, & Klepp, 1987 (U.S. Exhibit 72,778)	1,286 7th grade students, 2,587 9th and 10th grade students	Ratings of the functional meanings of smoking, e.g., how much you could get over feeling bored or lonely by smoking	Smoking behavior.	More likely to be smokers if they felt that smoking made them feel older.
7. Burton, Sussman, Hansen, Johnson & Flay, 1989 (U.S. Exhibit 77,293)	122 7th grade students	Ratings of self-image, ideal self-image, image of smoker, and images in cigarette ads. Rated on: healthy, wise, tough, and interested in the opposite sex.	Rated intention to smoke	Intention to smoke was highest for those who had the smallest difference between their self-image and the image of smokers. The results indicated that these youths had both less positive self-images and more positive images of smokers than other students. The authors argue that "…youth with relatively lower self-concepts, who do not perceive themselves as distinctive in terms of being especially healthy, wise, tough or interested in the opposite sex, may be drawn toward smoking as a way of 'adding something' to their identity." (at 661)

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References in Above Table

1. Barton, J., Chassin, L., Presson, C.C., & Sherman, S.J. (1982). Social image factors as motivators of smoking initiation in early and middle adolescence. *Child Development, 53*, 1499-1511. (U.S. Exhibit 72,847)
2. Chassin, L., Presson, C.C., Sherman, S.J., & Margolis, S. (1988). The social image of smokeless tobacco use in three different types of teenagers. *Addictive Behaviors, 13*(1), 107-112. (U.S. Exhibit 72,869)
3. Amos, A., Currie, C., Gray, D., & Elton, R. (1998). Perceptions of fashion images from youth magazines: Does a cigarette make a difference? *Health Education Research, 13*(4), 491-501. (U.S. Exhibit 77,283)
4. Chassin, L., Presson, C.C., Sherman, S.J., Corty, E., & Olshavsky, R.W. (1981). Self-images and cigarette smoking in adolescence. *Personality and Social Psychology Bulletin, 7*(4), 670-676. (U.S. Exhibit 72,872)
5. Aloise-Young, P.A., Hennigan, K.M., & Graham, J.W. (1996). Role of the self-image and smoker stereotype in smoking onset during early adolescence: A longitudinal study. *Health Psychology, 15*(6), 494-497. (U.S. Exhibit 72,282)
6. Perry, C. L., Murray, D. M., & Klepp, K.-I. (1987). Predictors of adolescent smoking and implications for prevention. *Morbidity and Mortality Weekly Report, 36 (4S),* 41-47. (U.S. Exhibit 72,778)
7. Burton, D., Sussman, S., Hansen, W.B., & Johnson, C.A. (1989). Image attributions and smoking intentions among seventh grade students. *Journal of Applied Social Psychology, 19*(8, Pt 1), 656-664. (U.S. Exhibit 72,293)

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Demonstrative 3: Empirical Studies Related to Popularity and Adolescent Smoking
U.S. Exhibit 17,557

Study	Population	Independent Variable	Dependent Variable	Outcomes
1. Evans, Farkas, Gilpin, Berry, & Pierce, 1995 (U.S. Exhibit 72,886)	Data on 3,536 adolescent never smokers obtained from the 1993 California Tobacco Survey; 12-17 year olds	Receptivity to tobacco advertising, exposure to peer and family smokers	Susceptibility to smoking	60.5% of 12-13 year olds, 69.2% of 14-15 year olds, and 72.9% of 16-17 year olds believed cigarette advertisements indicated that smoking would help people feel comfortable in social settings.
2 Romer & Jamieson, 2001 (U.S. Exhibit 72,793)	2,002 persons age 14 to 22 and a sample of 1,504 persons age 23 to 95	Exposure to cigarette advertising		Image of smokers as popular, happy, and attractive, rose during adolescence and was higher for those exposed to cigarette advertising.
3. Barton, Chassin, Presson, & Sherman, 1982 (U.S. Exhibit 72,847)		Perceptions of smoking and nonsmoking youth by systematically comparing ratings of pictures of youth were identical, except for the presence of a cigarette	Smoking status	Smokers received higher ratings than nonsmokers on having an interest in the opposite sex and being with a group. The students rated each of these traits as good things to aspire to.
4. Perry, Murray, & Klepp, 1987 (U.S. Exhibit 72,778)	3,873 7th, 9th, & 10th grade students	Attitudes toward smokers' popularity	Smoking status	Students who thought that smoking would help them make friends were more likely to report smoking.
5. Chassin, Presson, Sherman, & Edwards, 1991 (U.S. Exhibit 72,867)	1,020 high school students	Beliefs about personally relevant social consequences of smoking	Smoking a year later	Showed evidence that the belief that smoking will have positive social consequences predicts who will take up smoking a year later.
6. Koval, Pederson, Mills, McGrady, & Carvajal, 2000 (U.S. Exhibit 72,742)	1,543 6th grade students	Reasons for smoking	Likelihood of smoking	Those high in social conformity were more likely to smoke.

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Demonstrative 3: Empirical Studies Related to Popularity and Adolescent Smoking
U.S. Exhibit 17,557

Study	Population	Independent Variable	Dependent Variable	Outcomes
7. U.S. Department of Health & Human Services, 1994 (U.S. Exhibit 64,693)				

References in Above Table

1. Evans, N., Farkas, A., Gilpin, E., Berry, C.C., & Pierce, J.P. (1995). Influence of tobacco marketing and exposure to smokers on adolescent susceptibility to smoking. *Journal of the National Cancer Institute, 87*(20), 1538-1545. (U.S. Exhibit 72,886)
2. Romer, D. & Jamieson, P. (2001). Advertising, smoker imagery, and the diffusion of smoking behavior. In P. Slovic (Ed.), *Smoking: Risk, perception, and policy* (pp. 127-155). Thousand Oaks, CA: Sage. (U.S. Exhibit 72,793)
3. Barton, J., Chassin, L., Presson, C.C., & Sherman, S.J. (1982). Social image factors as motivators of smoking initiation in early and middle adolescence. *Child Development, 53*, 1499-1511. (U.S. Exhibit 72,847)
4. Perry, C. L., Murray, D. M., & Klepp, K.I. (1987). Predictors of adolescent smoking and implications for prevention. *Morbidity and Mortality Weekly Report, 36 (4S),* 41-47. (U.S. Exhibit 72,778)
5. Chassin, L., Presson, C.C., Sherman, S.J., & Edwards, D.A. (1991). Four pathways to young-adult smoking status: adolescent social-psychological antecedents in a Midwestern community sample. *Health Psychology, 10*(6), 409-418. (U.S. Exhibit 72,867)
6. Koval, J.J., Pederson, L.L., Mills, C.A., McGrady, G.A., & Carvajal, S.C. (2000). Models of the relationship of stress, depression, and other psychosocial factors to smoking behavior: A comparison of a cohort of students in grades 6 and 8. *Preventive Medicine, 30*(6), 463-477. (U.S. Exhibit 72,742)
7. U.S. Department of Health & Human Services (1994). *Preventing tobacco use among young people: A report of the Surgeon General*. Atlanta, GA: U.S. Department of Health & Human Services, Public Health Service, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. (U.S. Exhibit 64,693)

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Demonstrative 4: Empirical Studies of Relationships between Adolescent Needs and Adolescent Smoking, Organized by Needs
U.S. Exhibit 17,558

Boys: Masculinity, Ruggedness and Toughness	
(U.S. Exhibit 72,847)	Barton, J., Chassin, L., Presson, C.C., & Sherman, S.J. (1982). Social image factors as motivators of smoking initiation in early and middle adolescence. Child Development, 53, 1499-1511.
(U.S. Exhibit 72,872)	Chassin, L., Presson, C.C., Sherman, S.J., Corty, E., & Olshavsky, R.W. (1981). Self-images and cigarette smoking in adolescence. *Personality and Social Psychology Bulletin, 7*(4), 670-676.
Girls: Attractiveness	
(U.S. Exhibit 72,745)	Krupka, L. R., Vener, A. M., & Richmond, G. (1990). Tobacco advertising in gender-oriented popular magazines. *Journal of Drug Education, 20,* 15-29.
(U.S. Exhibit 72,738)	King, K. W., Reid, L. N., Moon, Y. S., & Ringold, D. J. (1992). Changes in the visual imagery of cigarette ads, 1954-1986. *Journal of Public Policy and Marketing, 10*, 63-80.
	Schooler, C., Feighery, E., & Flora, J.A. (1996). Seventh graders' self-reported exposure to cigarette marketing and its relationship to their smoking behavior. *American Journal of Public Health, 86*, 1216-1221.
(U.S. Exhibit 72,885)	Evans, N., Farkas, A., Gilpin, E., Berry, C.C., & Pierce, J.P. (1995). Influence of tobacco marketing and exposure to smokers on adolescent susceptibility to smoking. *Journal of the National Cancer Institute, 87*(20), 1538-1545.
(U.S. Exhibit 77,340)	Potts, H., Gillies, P., & Herbert, M. (1986). Adolescent smoking and opinion of cigarette advertisements. Health *Education Research, 1*(3), 195-201.
Girl: Losing Weight or Staying Thin	
(U.S. Exhibit 72,897)	French, S.A., & Perry, C.L. (1996). Smoking among adolescent girls: Prevalence and etiology. *Journal of the American Medical Women's Association, 51*(1-2), 25-28.
(U.S. Exhibit 72,742)	Koval, J.J., Pederson, L.L., Mills, C.A., McGrady, G.A., & Carvajal, S.C. (2000). Models of the relationships of stress, depression, and other psychosocial factors to smoking behavior: A comparison of a cohort of students in grades 6 and 8. *Preventive Medicine, 30*, 463-477.
(U.S. Exhibit 72,895)	French, S. A., Perry, C. L., Leon, G. R., & Fulkerson, J. A. (1994). Weight concerns, dieting behavior, and smoking initiation among adolescents: A prospective study. *American Journal of Public Health, 84*, 1818-1820.
(U.S. Exhibit 72,863)	Charlton, A. (1984). Smoking and weight control in teenagers. *Public Health, 98*, 277-281.
(U.S. Exhibit 74,029)	Romer, D. & Jamieson, P. (2001). Advertising, smoker imagery, and the diffusion of smoking behavior. In P. Slovic (Ed.), *Smoking: Risk, perception, and policy* (pp. 127-155). Thousand Oaks, CA: Sage.

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Demonstrative 4: Empirical Studies of Relationships between Adolescent Needs and Adolescent Smoking, Organized by Needs
U.S. Exhibit 17,558

Coping with Stress, Anxiety, and Depression	
(U.S. Exhibit 72,885)	Evans, N., Farkas, A., Gilpin, E., Berry, C.C., & Pierce, J.P. (1995). Influence of tobacco marketing and exposure to smokers on adolescent susceptibility to smoking. *Journal of the National Cancer Institute, 87*(20), 1538-1545.
(U.S. Exhibit 74,029)	Romer, D. & Jamieson, P. (2001). Advertising, smoker imagery, and the diffusion of smoking behavior. In P. Slovic (Ed.), *Smoking: Risk, perception, and policy* (pp. 127-155). Thousand Oaks, CA: Sage.
(U.S. Exhibit 72,778)	Perry, C. L., Murray, D. M., & Klepp, K.-I. (1987). Predictors of adolescent smoking and implications for prevention. *Morbidity and Mortality Weekly Report, 36 (4S),* 41-47.
(U.S. Exhibit 72,741)	Koval, J.J. & Pederson, L.L. (1999). Stress-coping and other psychosocial risk factors: A model for smoking in grade 6 students. *Addictive Behaviors, 24*(2), 207-218.
(U.S. Exhibit 72,742)	Koval, J.J., Pederson, L.L., Mills, C.A., McGrady, G.A., & Carvajal, S.C. (2000). Models of the relationships of stress, depression, and other psychosocial factors to smoking behavior: A comparison of a cohort of students in grades 6 and 8. *Preventive Medicine, 30*, 463-477.
(U.S. Exhibit 72,800)	Skara, S., Sussman, S., & Dent, C. W. (2001). Predicting regular cigarette use among continuation high school students. *American Journal of Health Behavior, 25,* 147-156.
Depression	
	Acierno, R., Kilpatrick, D.G., Resnick, H., Saunders, B., DeArellano, M., & Best, C. (2000). Assault, PTSD, family substance use, and depression as risk factors for cigarette use in youth: Findings from the National Survey of Adolescents. *Journal of Traumatic Stress, 13*(3), 381-96.
(U.S. Exhibit 72,741)	Koval, J.J. & Pederson, L.L. (1999). Stress-coping and other psychosocial risk factors: A model for smoking in grade 6 students. *Addictive Behaviors, 24*(2), 207-218.
(U.S. Exhibit 72,742)	Koval, J.J., Pederson, L.L., Mills, C.A., McGrady, G.A., & Carvajal, S.C. (2000). Models of the relationships of stress, depression, and other psychosocial factors to smoking behavior: A comparison of a cohort of students in grades 6 and 8. *Preventive Medicine, 30*, 463-477.
(U.S. Exhibit 77,352)	Tercyak, K.P., Goldman, P., Smith, A., & Audrain, J. (2002). Interacting effects of depression and tobacco advertising receptivity on adolescent smoking. *Journal of Pediatric Psychology, 27*(2), 145-154.

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Demonstrative 4: Empirical Studies of Relationships between Adolescent Needs and Adolescent Smoking, Organized by Needs
U.S. Exhibit 17,558

Risk Taking, Excitement, Fun, & Adventure	
(U.S. Exhibit 72,885)	Evans, N., Farkas, A., Gilpin, E., Berry, C.C., & Pierce, J.P. (1995). Influence of tobacco marketing and exposure to smokers on adolescent susceptibility to smoking. *Journal of the National Cancer Institute, 87*(20), 1538-1545.
(U.S. Exhibit 72,798)	Schooler, C., Basil, M.D., & Altman, D.G. (1996). Alcohol and cigarette advertising on billboards: targeting with social cues. *Health Communication, 8*(2), 109-129.
(U.S. Exhibit 72,738)	King, K. W., Reid, L. N., Moon, Y. S., & Ringold, D. J. (1992). Changes in the visual imagery of cigarette ads, 1954-1986. *Journal of Public Policy and Marketing, 10*, 63-80.
(U.S. Exhibit 77,340)	Potts, H., Gillies, P., & Herbert, M. (1986). Adolescent smoking and opinion of cigarette advertisements. Health *Education Research, 1*(3), 195
(U.S. Exhibit 72,778)	Perry, C. L., Murray, D. M., & Klepp, K.-I. (1987). Predictors of adolescent smoking and implications for prevention. *Morbidity and Mortality Weekly Report, 36 (4S),* 41-47.
(U.S. Exhibit 72,743)	Kraft, P. & Rise, J. (1994). The relationship between sensation seeking and smoking, alcohol consumption and sexual behavior among Norwegian adolescents. *Health Education Research, 9,* 193-200.
(U.S. Exhibit 72,740)	Kopstein, A. N., Crum, R. M., Celentano, D. D., & Martin, S. S. (2001). Sensation-seeking needs among 8th and 11th graders: characteristics associated with cigarette and marijuana use. *Drug & Alcohol Dependence, 62,* 195-203.
	Tercyak, K.P. & Audrain-McGovern, J. (2003). Personality differences associated with smoking experimentation among adolescents with and without comorbid symptoms of ADHD. *Substance Use & Misuse, 38*(14), 1953-1970.
(U.S. Exhibit 72,856)	Burt, R. D., Dinh, K. T., Peterson, A. V., & Sarason, I. G. (2000). Predicting adolescent smoking: a prospective study of personality variables. *Preventive Medicine, 30,* 115-125.
(U.S. Exhibit 72,800)	Skara, S., Sussman, S., & Dent, C. W. (2001). Predicting regular cigarette use among continuation high school students. *American Journal of Health Behavior, 25,* 147-156.
	Audrain-McGovern, J., Tercyak, K.P., Shields, A.E., Bush, A., Espinel, C.F., & Lerman, C. (2003). Which adolescents are most receptive to tobacco industry marketing? Implications for counter-advertising campaigns. *Health Communication, 15*(4), 499-513.
Rebellion against Authority	
(U.S. Exhibit 72,741)	Koval, J.J. & Pederson, L.L. (1999). Stress-coping and other psychosocial risk factors: A model for smoking in grade 6 students. *Addictive Behaviors, 24*(2), 207-218.
(U.S. Exhibit 72,769)	Pederson, L.L., Koval, J.J., & O'Connor, K. (1997). Are psychosocial factors related to smoking in grade 6 students? *Addictive Behaviors, 22(2), 169-181.*
(U.S. Exhibit 72,856)	Burt, R. D., Dinh, K. T., Peterson, A. V., & Sarason, I. G. (2000). Predicting adolescent smoking: a prospective study of personality variables. *Preventive Medicine, 30,* 115-125.
(U.S. Exhibit 72,867)	Chassin, L., Presson, C.C., Sherman, S.J., & Edwards, D.A. (1991). Four pathways to young-adult smoking status: adolescent social-psychological antecedents in a Midwestern community sample. *Health Psychology, 10*(6), 409-418.

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Demonstrative 5: Empirical Studies on Attitudes toward Smoking and Cigarette Advertising Predicting Smoking Behavior
U.S. Exhibit 17,559

Study	Population/Setting	Independent Variables	Dependent Variables	Outcomes
1. Romer & Jamieson, 2001 (U.S. Exhibit 72,932)	2,002 persons age 14 to 22 and a sample of 1,504 persons age 23 to 95	Rated feelings about smoking	Current smoking behavior	Smoking was predicted by ratings of feelings about smoking
2. Chassin, Corty, Presson, Olshavsky, Bensenberg, & Sherman, 1981 (U.S. Exhibit 77,296)	4,638 6th through 12th grade students	Attitudes toward smoking	Intentions to smoke	Attitudes toward smoking predicted intentions to smoke.
3. Chassin, Presson, Sherman, Corty, & Olshavsky, 1984 (U.S. Exhibit 72,870)	2,818 adolescents assessed in grades 6 through 11 at Time 1	Attitudes toward smoking, intentions to smoke	Smoking	Attitudes significantly predicted smoking a year later among both Time 1 nonsmokers and Time 1 experimenters.
4. Chassin, Presson, Sherman, & Edwards, 1991 (U.S. Exhibit 72,868)	1,304 middle schools students assessed at Time 1 1,020 high school students assessed at Time 1	Attitudes toward cigarettes	Smoking	These attitudes predicted smoking as much as seven years later.
5. Arnett & Terhanian, 1998 (U.S. Exhibit 72,843)	534 adolescents in grades 6 through 12 from seven schools in four states	Ratings of liking of ads and degree to which they made smoking appealing for a set of five ads for five brands.	Smoking behavior	Smokers were more likely than nonsmokers to like the ads. They were also more likely to say that Marlboro and Camel ads made smoking more appealing. They were more likely to say that each ad made them want to smoke.

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Demonstrative 5: Empirical Studies on Attitudes toward Smoking and Cigarette Advertising Predicting Smoking Behavior
U.S. Exhibit 17,559

Study	Population/Setting	Independent Variables	Dependent Variables	Outcomes
6. Arnett, 2001	400 12 to 17 year olds	Ratings of liking for cigarette ads and degree to which they made smoking appealing	Smoking behavior	Smokers generally rated the ads higher than nonsmokers on liking and on degree to which they made smoking appealing.
7. Alexander, Callcott, Dobson, Hardes, Lloyd, O'Connell, & Leeder, 1983 (U.S. Exhibit 72,839)	Approximately 6000 10 to 12 year olds assessed twice over 12 months.	Attitude toward cigarette advertising.	Smoking behavior	Those with more favorable attitudes toward cigarette advertising at the first assessment were more likely to take up smoking by the second assessment.

References in Above Table

1. Romer, D. & Jamieson, P. (2001). Advertising, smoker imagery, and the diffusion of smoking behavior. In P. Slovic (Ed.), *Smoking: Risk, perception, and policy* (pp. 127-155). Thousand Oaks, CA: Sage. (U.S. Exhibit 72,932)
2. Chassin, L., Corty, E., Presson, C.C., Olshavsky, R.W., Bensenberg, M., & Sherman, S.J. (1981). Predicting adolescents' intentions to smoke cigarettes. *Journal of Health and Social Behavior, 22*(4), 445-455. (U.S. Exhibit 72,296)
3. Chassin, L., Presson, C.C., Sherman, S.J., Corty, E., & Olshavsky, R.W. (1984). Predicting the onset of cigarette smoking in adolescents: A longitudinal study. *Journal of Applied Social Psychology, 14*(3), 224-243. (U.S. Exhibit 72,870)
4. Chassin, L., Presson, C.C., Sherman, S.J., & Edwards, D.A. (1991). Four pathways to young-adult smoking status: adolescent social-psychological antecedents in a Midwestern community sample. *Health Psychology, 10*(6), 409-418. (U.S. Exhibit 72,868)
5. Arnett, J.J. & Terhanian, G. (1998). Adolescents' responses to cigarette advertisements: Links between exposure, liking, and the appeal of smoking. *Tobacco Control, 7*, 129-133. (U.S. Exhibit 72,843)
6. Arnett, J.J. (2001). Adolescents' responses to cigarette advertisements for five "youth brands" and one "adult brand." *Journal of Research on Adolescence, 11*(4), 425-443.
7. Alexander, H.M., Callcott, R., Dobson, A.J., Hardes, G.R., Lloyd, D.M., O'Connell, D.L., & Leeder, S.R. (1983). Cigarette smoking and drug use in schoolchildren: IV-Factors associated with changes in smoking behavior. *International Journal of Epidemiology, 12*(1), 59-66. (U.S. Exhibit 72,839)

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Demonstrative 6: Empirical Studies on the Impact of Cigarette Advertising on Adolescents
U.S. Exhibit 17,560

Study	Population/ Setting	Independent Variables	Dependent Variables	Outcome
1. Aitken, Leathar, & O'Hagan, 1987 (U.S. Exhibit 77,281)	726 Glasgow children between 6 and 17	Ads for nine brands of cigarettes with identifying information removed	Identification of brand, matching ad to smoker image.	By ten years old, students were able to match brands to thumbnail sketches of the smoker of that brand at better than chance levels.
2. Arnett & Terhanian, 1998 (U.S. Exhibit 72,842)	534 adolescents in grades 6 through 12 from seven schools in four states.	Presentation of ads for five brands of cigarette: Camel, Marlboro, Kool, Benson & Hedges, and Lucky Strike.	Ratings of cigarette ads for five brands on how frequently seen, liking, and degree to which ads made smoking appealing.	Marlboro and Camel more frequently seen. They were liked by the larger proportions of subjects (Liking: 44% for Marlboro, 64% for Camel) than were the other ads. And, they were more appealing than ads for other cigarettes. However, none of these comparisons included statistical analysis.
3. Arnett, 2001	400 12 to 17 year olds.	Presented two ads for each of five youth popular brands (Marlboro, Newport, Camel, Kool, & Winston) and one ad for non-youth brand (Merit)	Ratings obtained on" Liking for ads and how much ad makes smoking appealing	All but two of the ads for the youth-targeting brands were liked significantly more than the Merit ad was liked. One Marlboro ad, two Camel ads, and a Kool ad were rated as making smoking significantly more appealing than was the Merit ad. The Marlboro ads were liked significantly more than the ads for Newport.
4. Unger, Johnson, & Rohrbach, 1995 (U.S. Exhibit 72,819)	386 8th grade students	Assessed brand recognition for Cigarette, Alcohol, and other ads which had brand information removed. Ratings of liking for ads also assessed.	Smoking status: non susceptible non smokers, susceptible nonsmokers, and smokers.	Students were able to identify the brands for Camel (71.7%), Marlboro (62.5%) and Newport (31.4%) more than for Capri, Kool, Misty, and Virginia Slims. Susceptible nonsmokers liked cigarette ads significantly more than did nonsmokers and equivalently to smokers' liking for them.

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Demonstrative 6: Empirical Studies on the Impact of Cigarette Advertising on Adolescents
U.S. Exhibit 17,560

Studies Involving Experimental Manipulation of Exposure to Cigarette Marketing			
Study	**Population/Setting**	**Experimental Design**	**Outcome**
5. Turco, 1997 (U.S. Exhibit 73,663)	178 adolescents	Student were randomly assigned to review for five minutes either: 1) A magazine with four cigarette advertisements or 2) A magazine without four cigarette advertisements.	Adolescents who had ever tried smoking and who were exposed to cigarette ads expressed more positive attitudes toward smoking than did those who were not exposed to ads. Adolescent exposed to ads also rated a woman who was pictured smoking more positively than did adolescents who were not exposed to ads.
6. Donovan, Jancey, & Jones, 2002 (U.S. Exhibit 77,304)	100 10- through 12-year-olds	Students were randomly assigned to either 1) Exposure to a photograph of a pack of Benson & Hedges and a point of sale ad for Marlboro or 2) Exposure to a photograph of a pack of Marlboro and a point of sale ad for Benson & Hedges.	Compared to seeing the pack, looking at the poster increased positive perceptions of the brand user. In the case of Benson & Hedges the users were more likely to be described as relaxed, interesting, cool, rich, adventurous and classy by students who saw the ad rather than just the pack. Those who saw the Marlboro point of sale ad rated Marlboro smokers as more adventurous than did students who saw only the picture of the Marlboro pack.

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Demonstrative 6: Empirical Studies on the Impact of Cigarette Advertising on Adolescents
U.S. Exhibit 17,560

Studies Involving Experimental Manipulation of Exposure to Cigarette Marketing			
Study	**Population/Setting**	**Experimental Design**	**Outcome**
7. Pechmann & Ratneshwar, 1994 (U.S. Exhibit 72,905)	304 7th grade students	Students were assigned at random to one of six cells of a 3 x 2 design. There were three levels of ad type (cigarette ads, antismoking ads, or ads unrelated to smoking). Students were then asked to rate a pictured student who was described either as a smoker or a nonsmoker. 1) Exposure to magazine advertisements for Newport, Virginia Slims, and Camel Or 2) Exposure to three advertisements unrelated to smoking	Students who saw cigarettes advertisements had a greater proportion of positive thoughts about smokers (e.g., "has lots of friends," "likes to do exciting things") than did students who saw the unrelated advertisements.
8. Henriksen, Flora, Feighery, & Fortmann, 2002	385 from 18 eighth and ninth grade students from five schools. Diverse with respect to ethnicity.	Classrooms were assigned to one of four cells of a 2 x 2 design. The first two-level factor was 1) Exposure to pictures of a convenience store containing tobacco advertising and displays or 2) Exposure to pictures of a convenience store that lacked any tobacco advertising. The second two-level factor was 1) A newspaper clipping about a tobacco policy issue or 2) A newspaper clipping about youth food purchases.	Those exposed to cigarette advertising: Perceived that cigarettes could be more easily purchased in the pictured stores. Perceived that cigarettes could be more easily purchased in other stores. Perceived a higher prevalence of adolescent smoking. Expressed less support for policies to control tobacco use. None of these variables was affected by the type of story students read.

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Demonstrative 6: Empirical Studies on the Impact of Cigarette Advertising on Adolescents
U.S. Exhibit 17,560

Studies Involving Experimental Manipulation of Exposure to Cigarette Marketing			
Study	**Population/Setting**	**Experimental Design**	**Outcome**
9. Pechmann and Knight, 2002	718 ninth graders from four California high schools. They were diverse in ethnicity.	Students were individually assigned at random to one of eight 12-minutes videotapes about teens, using a 4 x 2 design. The tapes differed in ads they contained. There were four levels of the Ad condition: 1) Four cigarette ads 2) Four anti-smoking ads 3) Four cigarette ads and one anti-smoking ad 4) Four control ads not involving smoking. The tapes also varied in that they either: 1) Showed teens smoking 2) Showed nonsmoking teens. The videotapes did not make the ads conspicuous, according to the authors.	Students exposed to cigarette ads had significantly more positive beliefs about smokers. Students who both saw cigarette ads and adolescents who were smoking had significantly more positive beliefs about smokers as well as more positive intentions to smoke in the future. The impact of exposure to cigarette ads and smoking adolescents on intentions to smoke was mediated by its effect on their beliefs about smokers. Those who saw the cigarette ads and the adolescent smokers remembered the cigarette ads significantly more than those who did not see the adolescent smokers. The impact of the exposure to the ads and smoking adolescents on beliefs and intentions was significant even when the student didn't recall seeing the ads. There were no differences in these effects depending on whether the student was or was not susceptible to smoking.

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2. Arnett, J.J. & Terhanian, G. (1998). Adolescents' responses to cigarette advertisements: Links between exposure, liking, and the appeal of smoking. *Tobacco Control, 7*, 129-133. (U.S. Exhibit 72,842)
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7. Pechmann, C. & Ratneshwar, S. (1994). The effects of antismoking and cigarette advertising on young adolescents' perceptions of peers who smoke. *Journal of Consumer Research, 21*, 236-251. (U.S. Exhibit 72,905)
8. Henriksen, L. Flora, J. A., Feighery, E.C. & Fortmann, S. P. (2002). Effects on Youth Exposure to Retail Tobacco Advertising, Journal of Applied Social Psychology, 2002, 32, 9, pp 1771-1789.
9. Pechmann, C. & Knight, S. J. (2002). An experimental investigation of the joint effects of advertising and peers on adolescents' beliefs and intentions about cigarette consumption. *Journal of Consumer Research*, *29*, 2002, 5-19.

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Demonstrative 7: Other Empirical Studies Discussing Adolescent Psychological Needs
U.S. Exhibit 17,561

Longitudinal, Controls for Social Influences

Aitken, P. P., Eadie, D. R., Hastings, G. B., & Haywood, A. J. (1991). Predisposing effects of cigarette advertising on children's intentions to smoke when older. *British Journal of Addiction, 86,* 383-390.

Armstrong, B. K., de Klerk, N. H., Shean, R. E., Dunn, D. A., & Dolin, P. J. (1990). Influence of education and advertising on the uptake of smoking by children. *The Medical Journal of Australia, 152,* 117-124. U.S. Exhibit 72,840; VXA0103116-3122.

Biener, L. & Siegel, M. (2000). Tobacco marketing and adolescent smoking: More support for a causal inference. *American Journal of Public Health, 90,* 407-411. U.S. Exhibit 77,118; VXA0103206-3210.

Pierce, J.P., Choi, W.S., Gilpin, E.A., Farkas, A.J., & Berry, C.C. (1998). Tobacco industry promotion of cigarettes and adolescent smoking. *Journal of the American Medical Association, 279,* 511-515. U.S. Exhibit 64,696; VXA0104689-4693.

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Controls for Social Influences

Feighery, E., Borzekowski, D. L. G., Schooler, C., & Flora, J. (1998). Seeing, wanting, owning: The relationship between receptivity to tobacco marketing and smoking susceptibility in young people. *Tobacco Control, 7,* 123-128.

Sargent, J.D., Dalton, M., & Beach, M. (2000). Exposure to cigarette promotions and smoking uptake in adolescents: evidence of a dose-response relation. *Tobacco Control, 9,* 163-168.

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Demonstrative 8: Philip Morris' Understanding of the Need to Market to Adolescents
U.S. Exhibit 17,562

Note: These documents are presented in order of their citation in my testimony					
Image	**Exhibit Number**	**Bates Number**	**Document Title**	**Document Date**	**Quote or Example**
	U.S. Ex. 22,931	2022239142-9147		October 7, 1953	Memo from George Weissman, discussing the August 1953 Roper report, stated that Philip Morris had its "… greatest strength in the 15-24 age group …" (at 9144)
	U.S. Ex. 20,140	1002646151-6185	A Study of Smoking Habits Among Young Smokers	1974	Roper informed Philip Morris that, "Marlboro is the starting brand for young whites, and Kool is the starting brand for young blacks." (at 6155)
	U.S. Ex. 20,160	1003285497-5502	The Decline in the Rate of Growth of Marlboro Red	May 21, 1975	"It has been well established by the National Tracking Study and other studies that Marlboro has for many years had its highest market penetration among younger smokers. Most of these studies have been restricted to people age 18 and over, but my own data, which includes younger teenagers, shows even higher Marlboro market penetration among 15-17 year olds. The teenage years are also important because they are the years during which most smokers begin to smoke, the years in which initial brand selections are made, and the period in the life-cycle in which conformity to peer-group norms is greatest." (at 5497)
	U.S. Ex. 23,387	1003287418-7439	The New Competition for Marlboro's Franchise	July 1974	"The Roper organization was commissioned to undertake the study summarized here, with the intention of probing dynamics of the market among smokers below the age of 24. (This was not the 'usual' sample of age 18-24; in this study no lower age limit was set.)" (at 7419)

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Note: These documents are presented in order of their citation in my testimony					
Image	**Exhibit Number**	**Bates Number**	**Document Title**	**Document Date**	**Quote or Example**
	U.S. Ex. 60,643	1000390803-0855	Young Smokers—Prevalence, Trends, Implications, and Related Demographic Trends From: Myron Johnston To: Dr. Robert B. Seligman, Vice President Research and Development	March 31, 1981	"…these powerful social and demographic factors are turning against us….After increasing for over a decade, the prevalence of teenage smoking is now declining sharply… the absolute number of 15-19 year-olds will decline 19 percent during the 1980's." (at 0805) "This report deals with only one of these trends—teenage smoking and attitudes toward smoking, together with related demographics." (at 0806) Contents include: "Teenage Smoking Prevalence 1968-1974 Teenage Smoking Prevalence 1975-1980." (at 0807)
	U.S. Ex. 20,091	1000306237-6239	Marlboro Market Penetration by Age and Sex	May 23, 1969	Memo describes attached chart. "It shows, by sex and individual years of age, the percent of the 13,000 smokers on the POL National Roster who smoke Marlboro (Red, Green, and Gold combined)." (at 6237) The chart shows the percent of smokers who smoke Marlboro for ages starting at age 15.
	U.S. Ex. 21,493	2041761791-1801	Teenager Incidence of Smoking Cigarettes	May 18, 1973	Presents data on the percent of teens for each age from 12 to 18 who have ever smoked.
	U.S. Ex. 23,798	2026306096-6108	Magic: Finding the Right Twist to Individual Smoking	Circa 1983	Presents data on smoking of those 16 to 24 years old.
	U.S. Ex. 37,043	2023741642-1678	Smoker Dynamics	Circa 1987	Philip Morris states "…we don't interview anyone under 18; as a result, the 18-21 segment provides our best insights into new smokers." (at 1670)

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Image	**Exhibit Number**	**Bates Number**	**Document Title**	**Document Date**	**Quote or Example**
	U.S. Ex. 60,643	1000390803-0855	Young Smoker: Prevalence Trends, Implications, and Related Demographic Trends	March 31, 1981	"Today's teenager is tomorrow's potential regular customer, and the overwhelming majority of smokers first begin to smoke while still in their teens. In addition, the ten years following the teenage years is the period during which average daily consumption per smoker increases to the average adult level.' (at 0808) "…it is during the teenage years that the initial brand choice is made: At least part of the success of Marlboro Red during its most rapid growth period was because it became the brand of choice among teenagers who then stuck with it as they grew older …" (at 0808)
	U.S. Ex. 21,460	2500002189-2207	The Cigarette Consumer	March 20, 1984	Philip Morris states that the cigarette market is "fed at one end by new smokers coming into the market each year as they reach smoking age." (at 2195)
	U.S. Ex. 37,043	2023741642-1678	Smoker Dynamics	Circa 1987	Document states "About three quarters of starting smokers are 21 years of age and younger." (at 1670)
	JD 050572	2085261936-1951	Start Talking to Your Kids about Not Smoking.	Undated, circa 2001	"Almost 90% of adult smokers began smoking at or before the age of 18." (at 1944)
	U.S. Ex. 21,460	2500002189-2207	The Cigarette Consumer	March 1984	A Philip Morris marketing analysis stated that "Smokers [are] extremely brand loyal." (at 2199)
	U.S. Ex. 20,140	1002646151-6185	A Study of Smoking Habits Among Young Smokers	July, 1974	A Roper Organization study indicated that "…Marlboro is holding a good proportion of its smokers past youth." (at 6158)

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Image	**Exhibit Number**	**Bates Number**	**Document Title**	**Document Date**	**Quote or Example**
	U.S. Ex. 76,177	2022216179-6180	Handling an Excise Tax Increase	September 3, 1987	"...the 1982-83 round of price increases caused two million adults to quit smoking and prevented 600,000 teenagers from starting to smoke. Those teenagers are now 18-21 years old, and since about 70 percent of 18-21 year-olds and 35 percent of older smokers smoke a PM brand, this means that 700,000 of those adult quitters had been PM smokers and 420,000 of the non-starters would have been PM smokers. Thus if Harris is right, we were hit disproportionately hard [by an increase in the excise tax]. We don't need to have that happen again" [emphasis in the original]. (at 6179)
	U.S. Ex. 60,643	1000390803-0855	Young Smokers Prevalence, Trends, Implications, and Related Demographic Trends	March 31, 1981	"Because of our high share of the market among the youngest smokers, Philip Morris will suffer more than the other companies from the decline in the number of teenage smokers. For at least the next decade, however, the population trends will have a much more powerful influence [namely the influx of teen smokers into their twenties where they will smoke at higher rates], and in this regard we would appear to be the least vulnerable of all the companies …" (at 0809)

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Demonstrative 8: Philip Morris' Understanding of the Need to Market to Adolescents
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Image	**Exhibit Number**	**Bates Number**	**Document Title**	**Document Date**	**Quote or Example**
	U.S. Ex. 60,664	1000273741-3771	Presented to the Philip Morris Board of Directors, "Smoker Psychology Research" by Dr. H. Wakeham	November 26, 1969	Dr. H. Wakeham (the head of Philip Morris Research) addressed the question, "Why does one begin to smoke?" "The 16 to 20-year old begins smoking for psychosocial reasons. The act of smoking is symbolic; it signifies adulthood, he smokes to enhance his image in the eyes of his peers. But the psychosocial motive is not enough to explain continued smoking. Some other motive force takes over to make smoking rewarding in its own right. Long after adolescent preoccupation with self-image has subsided, the cigaret [sic] will even preempt food in times of scarcity on the smoker's priority list." (at 3749)
	U.S. Ex. 21,460	2500002189-2207	The Cigarette Consumer	March 20, 1984	Lists four reasons why "People Begin Smoking:" "1. Peer pressure; 2. To rebel/assert independence; 3. To appear grown up; 4. To experiment." (at 2203)
	U.S. Ex. 20,486	2049397333-7369	New Brand Opportunities in the Cigarette Industry	August 7, 1990	A report to Philip Morris from Gibbons, Voyer, & Associates, Inc., dated August 7, 1990, titled "New Brand Opportunities in the Cigarette Industry." "Marlboro dominates the young adult smoker market
	U.S. Ex. 39,818	2063684341-4371	"Settled" Women's Issues "A Qualitative Research Report"	July 1995	In 1995, Philip Morris commissioned a study of women's issues as they related to marketing cigarettes. The research objective was to understand the lifestyle or attitudes that prompt switching from a "herd" to a "non-herd" brand. A herd brand is a youth-popular brand smoked by all members of a particular peer group. Comments by focus group members included: "It used to be that everyone smoked Marlboro Lights, so you smoked them too." "When I smoked Marlboro Lights, I was someone who liked to fit in with the crowd. I was more into having fun and being cool." (at 4360)

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Demonstrative 9: Philip Morris' Understanding of Themes and Images That Appeal to Adolescents
U.S. Exhibit 17,563

Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Popularity, admired, respected, liked by peers, member of the in-group, fitting in	U.S. Ex. 20,140	1002646151-6185	A Study of Smoking Habits Among Young Smokers, Prepared by the Roper Organization	July, 1974	"… among whites Marlboro is seen as the most popular by a little less than twice its share, while Kool is seen as most popular by a little more than twice its share" (at 6156, emphasis in the original). Both brands are seen as getting more popular.
Popularity, admired, respected, liked by peers, member of the in-group, fitting in	U.S. Ex. 23,387	1003287418-7439	The New Competition for Marlboro's Franchise	July, 1974	"This tendency to 'go with the leader' feeds on itself. As a brand increases in popularity, it is more likely to be adopted as 'the' brand to smoke." (at 7425)
Popularity, admired, respected, liked by peers, member of the in-group, fitting in	U.S. Ex. 60,643	1000390803-0855	Young Smokers: Prevalence, Trends, Implications, and Related Demographic Trends	March 31, 1981	"There is no question but that peer pressure is important in influencing the young not to begin smoking. A decade and more ago it was a major reason why teenagers began to smoke." (at 0827)
Popularity, admired, respected, liked by peers, member of the in-group, fitting in	U.S. Ex. 89,186	2072661589-1613	Qualitative Research Exploring the Popularity of Newport among 18 to 24 Year Old Smokers	December, 1987	"Most indicated that trial of Newport was assured because it was 'the most popular menthol' among smokers in their age group, thus making it convenient to 'bum.'" (at 1598)
Popularity, admired, respected, liked by peers, member of the in-group, fitting in	U.S. Ex. 41,945	2072943674-3684	Project Lighthouse Research Project: Proposed Marketing Support Plan	October, 1994	"PM USA has the majority of the YAM 'pie', but there are two types of YAMS. 1. Those with affinity for mainstream (want to fit in). 2. Those with choose [sic] to be different (counter-culture, want to stand out)." (at 3675) Marlboro has the first group and Camel the second. Players Navy Cut proposed to capture the second group for PM.

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Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Popularity, admired, respected, liked by peers, member of the in-group, fitting in	U.S. Ex. 39,818	2063684341-4371	"Settled" Women's Issues: A Qualitative Research Report	July, 1995	"It used to be that everyone smoked Marlboro Lights, so you smoked them too." "When I smoked Marlboro Lights, I was someone who liked to fit in with the crowd. I was more into having fun and being cool." (comments from focus group member at 4360)
Popularity, admired, respected, liked by peers, member of the in-group, fitting in	U.S. Ex. 45,331	2080490845-0868	Young Adult Smoker Segmentation	Sept. 12, 1996	Describes two groups: outgoing and social and those who are not. Three quarters are outgoing.
Popularity, admired, respected, liked by peers, member of the in-group, fitting in	U.S. Ex. 42,897	2073308048-8054	Prime Prospect Analysis	Sept. 16, 1998	Presents perceived popularity and growing in popularity of Newport, Marlboro, and Camel
Popularity, admired, respected, liked by peers, member of the in-group, fitting in	U.S. Ex. 42,888	2073298362-8376	Overview of YAMS Research in the '90's	April, 1999	"Recommendations to Counter Camel's Image Popularity --Capitalize on number one position by strengthening POS. --Increase breadth and variety of Marlboro advertising --Add more social marketing to the mix." (at 8367) Under the heading "Marlboro Marketing Mix Monitor" "While not focusing exclusively on YAMS, this study: quantified the importance of popularity as a Marlboro image attribute." (at 8370) The YAMScan 1996 study "Showed Newport brand image, like Camel's encompasses cool, urban, social elements but with the key difference that, like Marlboro, it is seen as the most popular brand by its franchise." (at 8371)

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U.S. Exhibit 17,563

Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Popularity, admired, respected, liked by peers, member of the in-group, fitting in	U.S. Ex. 41,550	2072468551-8578	Qualitative Research Proposal for Philip Morris USA	April 6, 1999	Proposal to study what is fueling the growth in popularity of menthol and the relevance and imagery of Marlboro.
Popularity, admired, respected, liked by peers, member of the in-group, fitting in	U.S. Ex. 33,374	LB0124583-4647	National Market Structure Study	May, 1999	"Young adults are influenced by peer popularity while 25's to 29's look to overall popularity in assessing brands." (at 4596)
Popularity, admired, respected, liked by peers, member of the in-group, fitting in	U.S. Ex. 40,510	2071767957-7959	YAS Imagery Research—Final Report	May 25, 1999	Features that make ads appealing include Socialization and interaction. (at 7958)
Popularity, admired, respected, liked by peers, member of the in-group, fitting in	U.S. Ex. 41,545	2072468400-8420	Consumer Perceptions of Brand Flavor and Strength of Taste	September , 1999	"Market Structure Derived Importance shows "rich taste" less important to YAS and 25-34's –popularity is key." (at 8410)
Popularity, admired, respected, liked by peers, member of the in-group, fitting in	U.S. Ex. 41,612	2072888346-8348	Highlights from the Yankelovich Monitor	March 22, 2000	"…the program concepts deemed most appealing promise young adult smokers and their friends the opportunity to meet people and socialize." (at 8347)
Independence, autonomy, freedom	U.S. Ex. 23,387	1003287418-7439	The New Competition for Marlboro's Franchise	July, 1974	Assessed degree to which brands were considered "being for stylish people" as well as for people who "like to be seen as independent and different." (at 7423)
Independence, autonomy, freedom	U.S. Ex. 39,819	2063684453-4480	Young Adult Women's Issues: A Qualitative Research Summary	June 1, 1995	"…the theme of 'independence' was salient and aspirational to them." (at 4455)

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Demonstrative 9: Philip Morris' Understanding of Themes and Images That Appeal to Adolescents
U.S. Exhibit 17,563

Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Independence, autonomy, freedom	U.S. Ex. 41,543	2072468228-8313	YAMScan A Qualitative overview of values lifestyles, brand images among Northeast urban young adult male smokers.	November 1996	Characterizes the Young Adult Male Smoker in terms of individualism, independence, enjoys life, education-intellect. (at 8273)
Excitement, fun, adventure, "edge"	U.S. Ex. 89,186	2072661589-1613	Qualitative Research Exploring the Popularity of Newport among 18 to 24 Year Old Smokers	December, 1987	"…the Newport smoker was outgoing, fun-loving, enjoyed partying, and was into disco and/or jazz music." (at 1601)
Excitement, fun, adventure, "edge	U.S. Ex. 89,198	2071596444-6498	Lifestyle Segmentation of 18 to 49 Year Old Smokers Part 1: 18 to 49 Year Old Male Smokers	February 18, 1994	Identifies two types of people who are important for Marlboro: Go-Getters want to have fun, crave excitement, and like people and things that are outrageous. (at 6451) Bronco-Billies are less educated, like to have fun, crave excitement and like to take chances. (at 6455, 6456)
Excitement, fun, adventure, "edge	U.S. Ex. 33,659	LB0167349-7424	A Look At the Smoking Culture of Young Adult Males	1999	Newport benefits from "The sense of adventure, edge, and playfulness that many adults seek to ensure they don't lose the youthful elements of their personality" (at 7386).
Excitement, fun, adventure, "edge	U.S. Ex. 33,374	LB0124583-4647	National Market Structure Study	May 1999	"YAFS favor a brand personality that is social and exciting. YAMS lead on interest in adventure." (at 4608)
Excitement, fun, adventure, "edge	U.S. Ex. 40,510	2071767770-7959	YAS Imagery Research—Final Report	May 25, 1999	Features that make ads appealing include Fun. (at 7958)
Excitement, fun, adventure, "edge	U.S. Ex. 41,612	2072888346-8348	Highlights from the Yankelovich Monitor	March 22, 2000	"Today's consumers need to 'have fun'…" (at 8346)

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Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Excitement, fun, adventure, "edge	U.S. Ex. 45,387	2081338936-8965	Advertising Portfolio Test Final Report	February, 2001	Among the descriptors of most appealing ads, "adventurous" was chosen fifth most often and "bold/exciting" was the sixth most frequent. (at 8946)
Masculine, feminine, or attractive to the opposite sex	U.S. Ex. 39,819	2063684453-4480	Young Adult Women's Issues: A Qualitative Research Summary	June, 1995	"Young adult women initially describe the word 'feminine' as reflecting today's 'independent' woman and the changing roles women face." (at 4461)
Masculine, feminine, or attractive to the opposite sex	U.S. Ex. 38,490	2045812333-2387	Regional Analysis of 18-29 Year Old Women: Focus on the South	June, 1995	Among women 18-29 in the South, "Hair, Body, Clothes Are More Important Elements of a Woman's Attractiveness…" (at 2347) "Very important" goal of women from all regions: "Feeling good about yourself" (80% or more in all regions). (at 2349)
Masculine, feminine, or attractive to the opposite sex	U.S. Ex. 23,899	2040910847-0848	Female Marlboro Focus Groups	June 23, 1995	Among women who smoke Marlboro Reds, "…many of these smokers describe themselves as 'bold', 'outspoken', 'independent', and 'strong'. Further, they view Marlboro as representing these qualities and therefore immediately identify with the brand image." (at 0847)
Masculine, feminine, or attractive to the opposite sex	U.S. Ex. 45,331	2080490845-0868	Young Adult Smoker Segmentation	September 12, 1996	Defines one group of smokers as "Rugged." (at 0853)

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U.S. Exhibit 17,563

Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Masculine, feminine, or attractive to the opposite sex	U.S. Ex. 33,659	LB0167349-7424	A Look At the Smoking Culture of Young Adult Males	1999	Lists characteristics of Marlboro Red. They include "Masculine, Rough-looking," "Will kick your ass," "doesn't give a damn." (at 7391) "Marlboro Red continues to maintain the strongest and most consistent brand essences alive today. The image of the cowboy is one that is respected by smokers everywhere, with its enduring brand equity as one who commands respect, is not easily dismissed, and is willing to take a stand." (at 7358) "Defending the Brand: The Rational Side – Marlboro Red – 'A real man's cigarette,' 'Manly, masculine, tough, rugged …' (at 7383) "There is also an element of 'psychological scare' associated with the Marlboro imagery: as a brand for 'tough real men who can take care of themselves,' some YAMS may worry 'Can I measure up?' … the Marlboro imagery contains strong elements that most respondents identify with or aspire to: strength, confidence, mystery, "I can take care of myself', and 'someone not to (*&% with.'" (at 7389)
Masculine, feminine, or attractive to the opposite sex	U.S. Ex. 25,086	2080851947-1949	YAM Scan II -- Final Presentation Summary	April 14, 2000	"If Marlboro Reds strong masculine image were tempered with more sensitivity, this could achieve more of the image that today's YAMs are looking for in a cigarette." (at 1948)
Masculine, feminine, or attractive to the opposite sex	U.S. Ex. 45,387	2081338936-8965	Advertising Portfolio Test Final Report	February, 2001	Among the descriptors of most appealing ads, "sex/hot" was the second most frequently chosen descriptor. (at 8946)

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Demonstrative 9: Philip Morris' Understanding of Themes and Images That Appeal to Adolescents
U.S. Exhibit 17,563

Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Cool, hip	U.S. Ex. 76,182	2048677983-8044	Young Adult Smoker Target: An In-Depth Look	September 22, 1989	Overview/analysis of the 18-24 age group - feelings, attitudes, opinions and strong interest "What's Hot, What's Cool." (at 7987) Specifically discusses today's transition from "adolescence to young adulthood," (at 7994) Literature references cite studies dealing explicitly with teens. (at 7995)
Cool, hip	U.S. Ex. 41,543	2072468228-8313	YAMScan A qualitative overview of values lifestyles, brand images among Northeast urban young adult male smokers.	November 1996	Upscale Urban Marlboro Smokers' Value Map of Newport: Urban, Hip, Cultural, Cool, Bad. (at 8284)
Cool, hip	U.S. Ex. 42,888	2073298362-8376	Overview of YAMS Research in the '90's.	April, 1999	Indicated that Newport brand image encompasses cool, urban, social elements. (at 8371)
Cool, hip	U.S. Ex. 33,374	LB0124583-4647	National Market Structure Study	May, 1999	"Menthol YAS' top brand personality item is cool/hip." (at 4632) "While YAFS focus on cool/hipness, 25-29's desire a more well rounded brand personality." (at 4633)
Cool, hip	U.S. Ex. 41,545	2072468400-8420	Consumer Perceptions of Brand Flavor and Strength of Taste	September 1999	"Among YAMS, Marlboro represents authentic tobacco flavor while Camel represents a hip, urban 'flavor experience.'" (at 8412) [note use of term "represents"]
Cool, hip	U.S. Ex. 45,387	2081338936-8965	Advertising Portfolio Test - Final Report	February 2001	The research "was conducted to identify which campaigns are most appealing based on: overall appeal, uniqueness, coolness …" (at 8937) "Parliament non-menthol is cool and attention getting." (at 8944)

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Demonstrative 10: Documents Relevant to the Role of Brand Image in Cigarette Marketing
U.S. Exhibit 17,564

Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
	U.S. Ex. 45,353	2080929994-0053A	Marketing Overview	Contains 1999 data	Defines brand equity as "…a set of assets (and liabilities) linked to a brand's name and symbol that adds to (or subtracts from) the value provided by a product or service." (at 9997) "A Brand's image and emotions it evokes plays a major role in how consumers will perceive and respond to a brand" (emphasis in original). Philip Morris lists four aspects of brand identity: "Brand as Product (Attributes, Quality, Uses); Brand as Person (Personality, Customer Relationships); Brand as Symbol (Brand Heritage, Visual Imagery); Brand as Organization." [emphasis in original] (at 9999, 0000)
	U.S. Ex. 26,080	1000273741-3771	"Smoker Psychology Research - Presented to the PM Board of Directors" by Dr. Helmut Wakeham	November 26, 1969	Helmut Wakeham stated: "Incidentally, another study on this subject demonstrated rather dramatically that the menthol coolness ascribable to our competitor's Kool cigaret [sic] is attributable to its name and brand image rather than the taste of the smoke, per se. When Kool cigaret [sic] was compared to our Marlboro Menthol with the brand identity concealed, menthol smokers, including regular Kool smokers, could not tell the difference. When these same smokers smoked these same cigarets [sic] in their regular packages, most of the menthol smokers chose the Kool cigarette to be the 'cooler' smoking and the Marlboro to be less menthol tasting and more tobacco tasting. [emphasis in original] (at 3745)
	U.S. Ex. 21,566	500686301-6313	Younger Adult Smokers	October 23, 1980	"In fact, I believe the younger adult smokers are even more influenced by brand name than other smokers. Smokers of Marlboro Lights and Camel Lights are not so much smoking fuller flavor low tar brands as they are smoking Marlboro and Camel." (at 6301)

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Demonstrative 10: Documents Relevant to the Role of Brand Image in Cigarette Marketing
U.S. Exhibit 17,564

Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
	U.S. Ex. 21,877	680116947-6968	Viceroy Agency Orientation Outline	1976	Brown & Williamson, aware that brand image was a bigger factor in the perception of cigarettes than were the physical constituents of the cigarette, described the results of blind taste tests in which Winston smokers chose Winston over Viceroy only 55 to 45%, Marlboro smokers chose Marlboro over Viceroy 65 to 35%, Viceroy smokers chose Winston over Viceroy 53 to 47%, and Viceroy over Marlboro 51 to 49%. Brown & Williamson concluded, as I do, that "We firmly believe that smoker's taste perception is heavily influenced by advertising: i.e., they perceive what they are led to expect." (at 6955, 6956)
	U.S. Ex. 23,905	2041448063-8214	Untitled Presentation	1996	Philip Morris stated, "Consumers will choose brands based on equity rather than price alone." (at 8066)
	U.S. Ex. 20,160	1003285497-5502	The Decline in the Rate of Growth of Marlboro Red; Inter-office correspondence from Myron Johnston to Dr. R. B. Seligman	May 21, 1975	"It was my contention that Marlboro's phenomenal growth rate in the past has been attributable in large part to our high market penetration among younger smokers and the rapid growth in that population segment. I pointed out that the number of 15-19 year olds is now increasing more slowly…" (at 5497) "It is my contention that income elasticity is inversely proportional to income level. That is, the lower the income of a specific population group, the greater will be the depressing effect on cigarette sales of a decline in real income … Marlboro smokers, being on the average considerably younger than the total smoking population, tend to have lower than average incomes…Furthermore, many teenagers who might otherwise have begun to smoke may have decided against it because of the adverse economic conditions…. "I think price elasticity, like income elasticity, has a greater effect on lower income people than on those with higher incomes. …Marlboro smokers, being younger, tend to have lower incomes. Thus, Marlboro sales are probably more responsive to price changes than are sales of brands which appeal to older segments of the population." (at 5500)

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Demonstrative 10: Documents Relevant to the Role of Brand Image in Cigarette Marketing
U.S. Exhibit 17,564

Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
	U.S. Ex. 26,750	2022249717-9721	Teenager Smoking and the Federal Excise Tax on Cigarettes	September 17, 1981	Reviews a study of the National Bureau of Economic Research on "The Effect of Government Regulation on Teenage Smoking" "This is by far the best study I have read concerning the effects of the anti-smoking commercials, and the only study I know of that attempts to determine the price elasticity of cigarettes among different groups. Because of the quality of the work, the prestige (and objectivity) of the NBER, and the fact that the excise tax on cigarettes has not changed in nearly 30 years, I think we need to take seriously their statement that '…if future reductions in youth smoking are desired, an increase in the Federal excise tax is a potent policy to accomplish this goal.'" (at 9718)
	U.S. Ex. 22,927	2022216179-6180	Handling an excise tax increase	September 3, 1987	"You may recall from the . . . Lewin and Coate data, that the 1982-1983 round of price increases caused two million adults to quit smoking and prevented 600,000 teenagers from starting to smoke." (at 6179)
	U.S. Ex. 22,347	503011370-1378	NBER Models of Price Sensitivity by Age/Sex	September 27, 1982	"Teenagers and younger adult males are highly price sensitive." (at 1370) "But, the loss of younger adult males and teenagers is more important to the longer term, drying up the supply of new smokers to replace the old. This is not a fixed loss to the industry: its importance increases with time. In ten years, increased rate per day would have been expected to raise this group's consumption by more than 50%." (at 1371)
	U.S. Ex. 46,121	2703200030-0032	Untitled Presentation	April 2001	Gap between Marlboro and the cheapest discount cigarette was $1.11, a 47% gap.
	U.S. Ex. 46,167	2703811633-1665	Premium Price Vulnerability Study	September 2001	Document shows that there was about a 70-cent gap between the price of premium and discount brands, with Marlboro the highest priced premium brand. (at 1638)

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Demonstrative 10: Documents Relevant to the Role of Brand Image in Cigarette Marketing
U.S. Exhibit 17,564

Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
	U.S. Ex. 45,906	2501174579-4584	Marlboro Worldwide Creative Issues and Guidelines	1993	"…it is essential…to be delivering outstanding, well targeted advertising, primarily to build brand and advertising awareness and to provide the brand with an aspirational value that allows it to command its premium price." (at 4580)

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Demonstrative 11: Themes and Images in Marlboro Marketing That Appeal to Adolescents
U.S. Exhibit 17,565

Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Masculinity, ruggedness, toughness	U.S. Ex. 39,453	2062310887-1016	Men's vs. Women's Attitudes [may not be the first page]	Undated	Marlboro images endorsed by more than 40% of men included "masculine." (at 0912)
Masculinity, ruggedness, toughness	U.S. Ex. 39,414	2062149175-9240	Marlboro Ultra Lights Consumer Research Review	January 24, 1990	"Respondents saw traditional Marlboro imagery of ruggedness and independence." (at 9178)
Masculinity, ruggedness, toughness	U.S. Ex. 40,490	2071581345-1365	Marlboro/Camel Consumer Research (Project Cost $39,800)	February 6, 1991	Analysis of perceived attributes of Joe Camel & Marlboro Man (in context of respective campaigns) by young males 18-24 via telephone interviews nationwide. "Marlboro owns valuable image dimensions quite different from Camel. Marlboro is 'Rugged and Macho'… (at 1345)
Masculinity, ruggedness, toughness	U.S. Ex. 20,459	2045060177-0203	The Viability of the Marlboro Man Among the 18-24 Segment	March 1992	The Marlboro Man was quite successful in conveying a mature image: "All-American; hardworking/trustworthy; rugged individual, man's man (experienced, sure of self, confident, in charge, self-sufficient, down to earth, cool/calm, get the job done); admire his strength …" (at 0186)
Masculinity, ruggedness, toughness	U.S. Ex. 23,993	2048881371-1409	Marlboro Region 5 Image Study	July 18, 1995	"Nationally the brand has a tougher, more rugged image as well as being perceived as popular and contemporary." (at 1371)
Masculinity, ruggedness, toughness	U.S. Ex. 89,187	2047134293-4297	Male Marlboro Smokers Review	December 21, 1995	Reports on 16 focus groups with male Marlboro smokers. "The most common associations with the brand [Marlboro Red] were 'rugged,' 'tough,' 'masculine,' 'cowboy,' 'outdoors,' and the 'West.'" (at 4293)
Masculinity, ruggedness, toughness	U.S. Ex. 39,533	2062311988-1994	Marlboro Menthol Overview	July 25, 1996	"For all smokers, there is a conflict between the rugged, masculine image of Marlboro Red and the cool refreshing feelings they associate with Menthol." (at 1991)

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Demonstrative 11: Themes and Images in Marlboro Marketing That Appeal to Adolescents
U.S. Exhibit 17,565

Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Masculinity, ruggedness, toughness	U.S. Ex. 45,353	2080929994-0053A	IT Marketing Overview	1999	The Marlboro Image is "Described as male, well built, casually dressed, single, in his late 20's-early 30s. His rugged masculinity is reflected in his affinity for the outdoors." (at 0011) "The Marlboro image is unique in the way it combines aspirational and approachable qualities - The aspirational dimension is comprised of traits such as individualism, adventurousness, freedom, confidence, excitement and mastery - Represents the masculine ideal; - He's in charge of himself and his destiny; - *He usually gets what he wants*; - *You go to him, he doesn't come to you* (all at 0013). These are the core values of Marlboro Country … Masculinity, Freedom, Adventure, Limitless Opportunities, Self-sufficiency, Mastery of Destiny, Harmony with Nature." (at 0017)
Masculinity, ruggedness, toughness	U.S. Ex. 42,965	2073318205-8466	Marlboro Direct Mail Equity Study	November 1999	Direct mail efforts (Unlimited Magazine, YAS equity, YAS promotional, Savings/coupons/mainline mailing, and gear) contribute higher ratings on "masculine." (at 8229)
Masculinity, ruggedness, toughness	U.S. Ex. 41,549	2072468442-8550	1999 Marlboro Mainline Pool Research Among YAMS	December 1999	Cowboy/Smoking "Communicates who the Marlboro Man is: Aspirational: masculine, rugged, self-confident, in-control, and individualistic"… (at 8539)
Masculinity, ruggedness, toughness	U.S. Ex. 46,161	2703204524-4539	Marlboro Mediums Review of Learnings	January 2002	"Reinforce equities of the flagship: Masculinity/flavor. The red color." (at 4533) Medium smokers perceptions of Reds: Tough/rugged man; … Somewhat aggressive. (page 4539)

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Demonstrative 11: Themes and Images in Marlboro Marketing That Appeal to Adolescents
U.S. Exhibit 17,565

Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Masculinity, ruggedness, toughness	U.S. Ex. 67,921	500574161-4170	Memo from Donald Tredennick	July 3, 1974	Noted that, "Marlboro is often selected initially because … its advertising has consistently communicated a manly, tough confident user image and smoking characteristics consistent with this image. This image conforms closely with many young smokers (sic) need for 'support' in stressful situations." (at 4166)
Masculinity, ruggedness, toughness	U.S. Ex. 20,937	554000052-0060	Memo from A. G. Forsythe (Brown and Williamson)	March 6, 1985	Stated that, "Marlboro built its business on the masculine Marlboro country TA campaign." (at 0053)
Independence, autonomy, freedom	U.S. Ex. 39,453	2062310887-1016	Men's vs. Women's Attitudes [may not be the first page]	Undated	Marlboro images endorsed by more than 40% of men included: "independent." (at 0912)
Independence, autonomy, freedom	U.S. Ex. 89,188	2703203355-3370		Undated	Graphs showing the rating of various brands on "Personality ratings." "Independent" and "Leader" are sixth and fifth most important attributes. (at 3360)
Independence, autonomy, freedom	U.S. Ex. 78,341	2071385650-5658	Letter to Jeanne Bonhomme regarding questionnaire to be used to assess smokers	June 23, 1989	One aspect to be assessed is "Self-confidence" (e.g., "I usually express my opinion even if I disagree with most of the group"). (at 5655) Another was "Leadership/Independence" (e.g., It's very important for me to be independent." (at 5656)
Independence, autonomy, freedom	U.S. Ex. 20,459	2045060177-0203	The Viability of the Marlboro Man Among the 18-24 Segment	March 1992	"The Cowboy as a symbol … desire to be independent, self-sufficiency … the ability to be a man (risk taker, vigor, vitality, rugged, stand up and be counted) Desire for Freedom…sense of adventure …" (at 0184)

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Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Independence, autonomy, freedom	U.S. Ex. 45,906	2501174579-4584	Marlboro Worldwide Creative Issues and Guidelines	May 18, 1993	"From an image standpoint, Marlboro stands for self-confidence, freedom of choice, leadership, strength, independence. The advertising proposition is: 'Come to Where the Flavor Is … Come to Marlboro Country' Marlboro country is about fantasy and escape—a mythical place and state of mind where you are who you choose to be, command your own destiny and do what others only dream about." (at 4583)
Independence, autonomy, freedom	U.S. Ex. 23,899	2040910847-0848	Female Marlboro Focus Groups	June 23, 1995	"[M]any of these smokers described themselves as 'bold,' 'outspoken,' 'independent,' and 'strong.' Further, they view Marlboro as representing these qualities and therefore immediately identify with the brand image." (at 0847)
Independence, autonomy, freedom	U.S. Ex. 42,825	2073298480-8559	1997 Marlboro Mainline Pool Research Among YAMS	August 1997	Among key findings: "Core brand values of freedom (openness of the land), independence, lack of restraints/limits, strong-willed, ruggedness continue to be underscored by the Big Country group as a whole." (at 8497)
Independence, autonomy, freedom	U.S. Ex. 41,549	2072468442-8550	1999 Marlboro Mainline Pool Research Among YAMS	December 1999	"[C]ore brand values of freedom, independence/self-sufficiency, and ruggedness clearly come through." (at 8465)
Independence, autonomy, freedom	U.S. Ex. 45,398-45,399	2081339427-9434	YAS Dialogue Qualitative Focus Groups	February 14, 2001	"Road Trip [one of proposed direct mailings] tapped into emotions of freedom and adventure. 'It's about escaping from the day-to-day worries and stress.' 'It's being free and easy. You've got no commitments and you can relax.'" (at 9427)
Peer influence and the role of popularity	U.S. Ex. 46,131	2703203702-3745		Undated	Presents ratings of Marlboro by different age groups. Among the ratings are a set on the popularity of the brand (most popular brand, most popular in country, best-known brand in world, etc.). (at 3702)

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Demonstrative 11: Themes and Images in Marlboro Marketing That Appeal to Adolescents
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Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Peer influence and the role of popularity	U.S. Ex. 89,188	2703203355-3370		Undated	Graphs showing the rating of various brands on 13 dimensions. The most important rating is "Popular with friends."
Peer influence and the role of popularity	U.S. Ex. 39,453	2062310887-1016	Men's vs. Women's Attitudes [may not be the first page]	Undated	Marlboro images endorsed by more than 40% of men included "nice guy, follows the crowd, and popular/leader." (at 0912)
Peer influence and the role of popularity	U.S. Ex. 22,357	03537131-7132	Lorillard Memo from Ted Achey, Director of Sales in the Midwest – Subject: Product Information	August 30, 1978	Observed that "Newport in the 1970's is turning into the Marlboro of the 60's and 70's. It is the 'In' brand to smoke if you want to be one of the group." However, it noted that, "Our problem is the younger consumer that does not desire a menthol cigarette. If that person desires a non-menthol, but wants to be part of the 'In-group', he goes to Marlboro." (at 7131)
Peer influence and the role of popularity	U.S. Ex. 22,334	1000390803-0855	Young Smokers: Prevalence, Trends, Implications, & Related Demographic Trends: Memorandum by Myron Johnston, Senior Economist for Research & Development at Philip Morris	March 31, 1981	"At least a part of the success of Marlboro Red during its most rapid growth period was because it became the brand of choice among teenagers … " [emphasis in the original] (at 0808)
Peer influence and the role of popularity	U.S. Ex. 68,359	512544528-4537		1985	A 1985 R.J. Reynolds document notes that younger adult smokers "… are still driven by peer pressure and are surrounded by Marlboro smokers." (at 4535)

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Demonstrative 11: Themes and Images in Marlboro Marketing That Appeal to Adolescents
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Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Peer influence and the role of popularity	U.S. Ex. 20,937	554000052-0060	Memo from Brown and Williamson Brand Assistant, A.G. Forsythe	March 6, 1985	Memorandum concerning issues surrounding the marketing of Kool and the success of Newport and Marlboro. "They have peer group acceptance and high perceived popularity." The success of Marlboro was "…supported by on-campus programs that helped establish the brand as a young adult brand [and] peer group momentum was established that has been sustained through today." (at 0052-0053)
Peer influence and the role of popularity	U.S. Ex. 78,341	2071385650-5658	Letter to Jeanne Bonhomme regarding questionnaire to be used to assess smokers	June 23, 1989	One aspect to be assessed is "Aspirational" (e.g., "I like to imagine how it would be to be rich and famous"). (at 5656)

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Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Peer influence and the role of popularity	U.S. Ex. 85,185	2044895379-5484	Worldwide Marlboro Monitor – Five Year Trends: 1988-1992	1992	"Thus, the vitality and development of the Marlboro Red franchise depends on a growing share of young adult smokers." (at 5388) "In markets where Marlboro Red's share of young adult smokers has declined, share of starters was also down. Thus, the ability to attract new smokers and develop them into a young adult franchise is key to brand development." (at 5389) "If the young adult smoker franchise is not growing, the brand profile ages over time, which means a smaller proportion of its smokers are in the prime target. As a result, the brand is less visible and impactful among our target smokers and their peer group." (at 5389) "However, in Marlboro Red's growth markets, the key indicators—share of starters, share of YAS, young brand profile and high image—are all positive and contributing towards building a strong franchise." (at 5390)
Peer influence and the role of popularity	U.S. Ex. 20,459	2045060177-0203	The Viability of the Marlboro Man Among the 18-24 Segment	March 1992	"Any changes to the Marlboro Man's persona must be done slowly, in incremental steps, with consumer feedback to validate it. Otherwise, it could be viewed as unwarranted tampering with a significant tradition. However to ignore the impudence of the Camel could also be gambling with the entry level smoker and the future of the Marlboro franchise." (at 0180) " … Marlboro should act to minimize the effectiveness of Camel's appeal to the values of the 18-24 segment … Belonging is important to the 18-24 segment ... Broaden the advertising to make him … less aloof, less severe and tough, more accessible." (at 0200)

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Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Peer influence and the role of popularity	U.S. Ex. 66,785	2048735500-5604	Profile of the Young Adult Marlboro Smoker Part 1: Males, 18-24 Years Old	August 1994	Reasons Marlboro Full Flavor Smokers gave "… for first buying regular brand: Popular with my friends (46%) … An 'in' brand …" (24%) (at 6405)
Peer influence and the role of popularity	U.S. Ex. 89,208	2071596141-6191	untitled	circa 1995	"The Majority of Marlboro YAS and Newport Black YAS perceive Their Respective Brands as Being the Most Popular" (at 6151) "Excluding discount YAS, popularity and share among YAS are highly correlated." (at 6152) "Marlboro's perceived popularity among YAS exceeds all other brands combined." (at 6155) "Marlboro is the dominant brand among young adult smokers both in terms of the share and popularity levels." (at 6163)
Peer influence and the role of popularity	U.S. Ex. 39,533	2062311988-1994	Marlboro Menthol Overview	July 25, 1996	"Newport is perceived as the most popular menthol brand and one of the most popular brands overall. It is seen as a hip, cool, social cigarette that is especially popular among African Americans." (at 1990)
Peer influence and the role of popularity	U.S. Ex. 39,742	2063515175-5197	Marlboro Marketing Mix Monitor	January 1996	Top ten attributes that come to mind "'…when you think of Marlboro'" (at 5178): "High quality," "good tasting," "most popular," "all-American brand," "My friends would smoke it," "Dependable," "Popular with both men and women," "Growing in popularity," "Values its smokers," "Best known brand in the world." (at 5182)
Peer influence and the role of popularity	U.S. Ex. 39,532	2062311984-1986	Marlboro YAMScan: A proposal	July 1996	Proposes study to see if Marlboro is still being seen as "growing in popularity" among urban white YAMS. Concern is due to growth by Newport in Northeast urban areas. (at 1985)

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Demonstrative 11: Themes and Images in Marlboro Marketing That Appeal to Adolescents
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Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Peer influence and the role of popularity	U.S. Ex. 42,882	2073298448 -8478A	1997 Marlboro Mainline Pool Research Among YAFS	1998	"[N]early all YAFS found aspects of the campaign that were both relevant and appealing to them. They sparked particularly to: Themes that are relevant to all YAS, such as social situations, friendship, relaxation, enjoying nature/escape from stressful urban life…." (at 8450)
Peer influence and the role of popularity	U.S. Ex. 42,808	2073056330-6412	Young Adult Smoker Lifestyle and Attitude Segmentation.	February 1998	Marlboro's strength is among two groups: Hollow followers—who are high on their desire for acceptance and at the midpoint on the security-excitement dimension. Macho materialists are high on excitement and acceptance. (at 6335)
Peer influence and the role of popularity	U.S. Ex. 42,957	2073308392	Metro YAS+ Tracking	June 29, 1998	"Marlboro is perceived as the most popular brand among 21-29 year olds, with Newport a distant second." …. It is also seen as "growing in popularity …" (all at 8392)
Peer influence and the role of popularity	U.S. Ex. 42,956	2073308359-8378	Metro YAS Tracking Study - Post Wave I - Final Report	August 1998	Evaluating retail visibility promotion programs and bar programs as ways of counteracting decrease in Marlboro's market share among young adult smokers. These programs were implemented to increase Marlboro's "… perceived popularity" and "to improve the brand's relevance by increasing its association with YAS' lifestyles and self images in these Metro areas." (at 8360)

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Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Peer influence and the role of popularity	U.S. Ex. 42,921	2073308307-8358	Untitled. Presents ratings of brands on popularity from the YAS Tracking Survey	Sept. 1998	"The programs [retail promotion and bar program] were implemented to increase Marlboro's top-of-mind awareness and perceived popularity." (at 8357) "Marlboro was recognized as a growing brand by both its own smokers and competitive smokers." (at 8309). Retail visibility program increased awareness of Marlboro promotions. "Marlboro continues to be the 'Most visible brand' in stores but Newport and Camel mentions are increasing among competitive smokers." (at 8348)
Peer influence and the role of popularity	U.S. Ex. 42,897	2073308055-8067	Untitled tables involving percent of Core, Prime Prospects and Other Prospects who endorsed various items	September 16, 1998	51% of "prime prospects" described themselves as popular. (at 8055)
Peer influence and the role of popularity	U.S. Ex. 43,390	2073970827-0848	Retail Prominence In-Store Test	February 1999	Summary of findings from survey conducted in 119 convenience stores: "Marlboro is clearly the leading brand in terms of perceived retail visibility, not only compared to other brands of cigarettes, but across categories as well. The Retail Masters program is an effective vehicle for enhancing Marlboro's perceived retail prominence … On Counter product displays are more effective in driving visibility than signage." (at 0831)

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Demonstrative 11: Themes and Images in Marlboro Marketing That Appeal to Adolescents
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Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Peer influence and the role of popularity	U.S. Ex. 46,169	2703811701-1762	Marlboro Marketing Mix Monitor 1999	circa November 1, 1999	Whereas Marlboro had been promoted through advertising and country music in 1985, by 1999 there were eight marketing programs. In addition to Advertising and General Music" there were Racing School, Direct, Gear Programs, Party at the Ranch, Marlboro Bar Nights, and New Ways to Use Miles. (at 1702). The core personality of Marlboro includes Leadership (popular, is a leader, confident, successful). (at 1720)
Peer influence and the role of popularity	U.S. Ex. 43,350-43,351	2073578573-8694	National Market Structure Study	May 1999	"Both YAMS and YAFS value peer popularity of a brand very highly compared to older menthol smokers." (at 8605)
Peer influence and the role of popularity	U.S. Ex. 20,536	2080499829-9896	1999 Philip Morris Print Leadership Initiative Overview	1999	Philip Morris would select magazines to place advertising in, in part, in terms of a "magazine's perceived leadership value" and whether or not the magazine is a "dynamic/growing publication." Advertisements should "Achieve a certain degree of unexpectedness." (at 9849, 9854)
Peer influence and the role of popularity	U.S. Ex. 43,349	2073578509-8570	Marlboro Marketing Mix Monitor	November 1999	The top ten attributes of Marlboro's core brand personality include popular, is a leader, confident, successful. (at 8528)
Peer influence and the role of popularity	U.S. Ex. 46,131	2703203702-3745		May 2001	Among the top ten attributes of Marlboro's core brand personality: popular, is a leader, confident, successful. (at 3727) Again, as in previous years, "… females stress the sociability and popularity of the brand." Focus more on sociability. (at 3728)

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Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Peer influence and the role of popularity	U.S. Ex. 45,669	2085231513-1535	POSiTrack Wave II	June 30, 2001	A study of the impact of point of sale marketing. "Although the Mainline Cowboy theme was last at retail in October 1999, it continues to be the most recognized theme among both Marlboro and competitive smokers. Respondents are aware that it has been some time since Mainline appeared at retail." (at 1513) This document also shows that the Mainline theme projects a positive image among Marlboro smokers; 55% associated the theme with the brand being "one of the most popular in country" and 43% associated it with it being popular with friends and growing in popularity. (at 1523)
Adventure and excitement	U.S. Ex. 39,453	2062310887-1016	Men's vs. Women's Attitudes [may not be the first page]	Undated	Marlboro images endorsed by more than 40% of men included: "adventurous." (at 0912)
Adventure and excitement	U.S. Ex. 89,188	2703203355-3370		Undated	Graphs showing the rating of various brands on "Personality ratings." "Exciting" is the fourth most important attribute. (at 3360)
Adventure and excitement	U.S. Ex. 39,520	2062311535-1551	Marlboro Marketing Mix Study	February 1996	"The scope of marketing exposures had exploded over the past 10 years." (at 1536) "A qualitative study among young adult male Marlboro Red smokers which provides a rich 'portrait' of this most image conscious segment's view of the key Marlboro equities." (at 1538) "Racing is a rich source of excitement, energy, and competitive spirit for Marlboro." (at 1549)

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Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Adventure and excitement	U.S. Ex. 42,897	2073308046-8067	tables involving percent of Core, prime prospects and other prospects who endorsed various items	September 1998	77% of "prime prospects" described themselves as fun loving; 67% as exciting. (at 8055)
Adventure and excitement	U.S. Ex. 46,169	2703811701-1762	Marlboro Marketing Mix Monitor 1999	circa November 1, 1999	The core personality of Marlboro included "adventurous, active, likes action/excitement, lives life to fullest." (at 1720)
Adventure and excitement	U.S. Ex. 43,352	2073578697-8699	Unlimited Magazine Research	June 18,1999	"The magazine has an action/adventure format and tries to represent the core equities of the brand." (at 8697)
Adventure and excitement	U.S. Ex. 43,349	2073578509-8570	Marlboro Marketing Mix Monitor - 1999	November 1999	The top ten attributes of Marlboro's core brand personality include adventurous, active, likes action/excitement, lives life to the fullest. (at 8528)
Adventure and excitement	U.S. Ex. 42,965	2073318205-8466	Marlboro Direct Mail Equity Study	November 1999	Direct mail efforts (Unlimited Magazine, YAS equity, YAS promotional, Savings/coupons/mainline mailing, and gear) contribute higher ratings on "active, likes action/excitement, lives life to fullest." (at 8229)
Adventure and excitement	U.S. Ex. 45,329	2080458289-8291	Marlboro Road Warriors Creative Brief	February 28, 2000	Trying to "Generate NEWS & excitement about Marlboro among young adult smokers." (at 8289)
Adventure and excitement	U.S. Ex. 45,389	2081338997-8999	Marlboro Imagery Among Menthol YAS Exploratory—Final Report	February 9, 2001	"Newport YAS say menthol equals 'energy' 'excitement.'" (at 8998)
Adventure and excitement	U.S. Ex. 46,131	2703203702-3745		May 2001	Among the top ten attributes of Marlboro's core brand personality: adventurous, active, likes action/excitement, lives life to the fullest. (at 3727)
Adventure and excitement	U.S. Ex. 46,161	2703204524-4539	Marlboro Mediums Review of Learnings	January, 2002	Medium smokers' perceptions of Reds: "… Action/excitement …" (at 4539)

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Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Sports	U.S. Ex. 38,934	2058205647-5648	Memo: Capital Appropriation for $4,953,000 to Purchase a Diamond Vision Scoreboard System and Advertising Panels	February 4, 1983	Discusses appropriation for a Marlboro sign at Three Rivers Stadium in Pittsburgh, the home of the Pittsburgh Steelers and the Pittsburgh Pirates.
Sports	U.S. Ex. 38,706	2048639501-9517	Marlboro Motorsports Program 1990 Marketing Plan	circa 1990	Describe the history of Marlboro's involvement in CART Indy Car racing "Marlboro's presence in Indy Car racing provided the brand with significant increases in visibility and awareness." (at 9504)
Sports	U.S. Ex. 39,520	2062311535-1551	Marlboro Marketing Mix Study	February, 1996	Summary cites "rugged masculine positioning" with racing adding "exciting contemporary layer of masculine imagery …." (at 1551)
Sports	U.S. Ex. 41,558	2072516263-6267	Summary of a meeting regarding Marlboro Racing for 1997	July 22, 1996	"Racing adds a contemporary overlay to Marlboro Country, emphasizing mastery, challenge and adventure, and supports the quality and leadership of the brand." (at 6263) "Ads should first serve the purpose of image extension, and *secondarily and selectively* serve the purpose of race promotion." [emphasis in original] (at 6266)
Sports	U.S. Ex. 43,349	2073578509-8570	Marlboro Marketing Mix Monitor	November 1999	"Racing school brings excitement and masculine appeal to the brand." (at 8543)
Sports	U.S. Ex. 70,716	2079137073-7137	Untitled presentation. Starts with PMUSA Mission Statement. Focuses on "marketing's role in supporting the mission." (at 7073)	March 2, 2001	Marlboro Racing School will "Dimensionalize Marlboro's core equities: independence, adventure, etc." (at 7101)

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Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Relaxation	U.S. Ex. 46,310	2073178927 A- 8956	Summary of Findings (regarding Marlboro Milds)	Undated	"The laid back tone of the advertising is clearly recognized." Ratings on "Relaxed/Laid Back," "Tranquil" … (at 8944)
Relaxation	U.S. Ex. 66,785	2048735500-5604	Profile of the Young Adult Marlboro Smoker Part 1: Males, 18-24 Years Old	November 1994	They agree with: "I feel relaxed when I smoke." (at 6404)
Relaxation	U.S. Ex. 39,366-39,367	2061701079-1088	Marlboro Milds Research Findings	September 15, 1998	Six focus groups (among Africa-American smokers, 21-29) on two creative executions under consideration ("Chair" and "Campfire") "[T]he ads strongly communicated that Marlboro Milds would leave them with a 'mellow feeling' and a sense of 'relaxation.…'" (at 1079)
Relaxation	U.S. Ex. 43,236	2073373190-3196	Topline of Project Blue In-depth Interviews in Chicago	May 12, 1999	Point of Sale ad, "Boots" evoked statements such as: "Kick back, relax. Enjoy life." (at 3192) The Ad, Windmill "seemed to convey a strong sense of relaxation…." (at 3193)
Relaxation	U.S. Ex. 43,235	2073372904-2912	Qualitative Research on Marlboro Milds Creative	November 1999	Ads evoke "relaxing," "kicking back," "taking it easy," "calm," and "serenity." (at 2908)
Relaxation	U.S. Ex. 41,549	2072468442-8550	1999 Marlboro Mainline Pool Research Among YAMS	December 1999	"Commonly, YAMS are thought to crave excitement and novelty. But, based on their reaction to 'relaxing' imagery, they also seem to be looking for escape from daily stress." (at 8453)

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Demonstrative 12: Themes and Images in Parliament Marketing That Appeal to Adolescents
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Topic or Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Decision to Reposition Parliament	U.S. Ex. 37,530	2040737361-7378	Parliament Lights Recommended 1988 Media Plan	September 21, 1987	"Advertising will be targeted towards smokers aged 18-49 with primary emphasis against those aged 18-24, evenly split males vs. females." (at 7362) "Magazines were then selected in rank order of efficiency against Adults 18-49, and rank of composition against Adults 18-24, after judging editorial appropriateness." (at 7364)
Decision to Reposition Parliament	U.S. Ex. 38,409	2045291173-1223	Parliament Lights Recommended 1988 Media Plan	March 2, 1988	"Utilize media that can most impactfully deliver advertising message to the target." (at 1174) "Target advertising to smokers 18-49 with emphasis against 18-24." (at 1174)
Decision to Reposition Parliament	U.S. Ex. 89,211	2061704295-4296			Category I (confidential)
Decision to Reposition Parliament	U.S. Ex. 40,460	2071446465-6482	A Consumer Perspective Fundamentals of Young & Rubicam' Approach to the Tobacco Category	July 12, 1996	"Significant choice moments in cigarette smoking trends to coincide with critical transition stages in life First brand of choice - youthful conformity/rebellion." (at 6472) "Seizing the Window of Opportunity Necessary to fully understand the complex issues and conflicts that today's smokers are dealing with, especially young adult smokers -Young adult years (20's and 30's) are always a time of great intensity with respect to identity formation -Usual turmoil exacerbated by a broader climate of profound volatility and uncertainty -Clarity of brand identity is more important than ever before – for all brands -Enduring brand images are forged in the young adult years" (at 6476) "The YAMS Challenge: Masculinity and Spontaneity are the Defining Issues." (at 6481)

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Topic or Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Decision to Reposition Parliament	U.S. Ex. 45,449	2081804781-4820	Untitled *Partial Document, Notes of Speech* Shelby Rafferty Senior Brand Manager	January 5, 1999	"establish this brand as a legitimate competitor to Camel, Winston & Newport …."(at 4785) Philip Morris chose to compete against these brands because "… they are all vital and growing…particularly among young adult smokers." (at 4786)
Decision to Reposition Parliament		Deposition	Shelby Jean Rafferty	July 8, 2003	"It was my job responsibility to develop a young adult smoker alternative for Philip Morris." (at 61:20-22) PM identified the target audience for Parliament advertising as "young adult smokers," defined as "Smokers of legal age to 24." (at 67) Shelby Rafferty testified that in developing the campaign she looked at the brand positioning of Newport, Marlboro, Winston, and Camel. (at 66) She stated that it was "Because they were other young adult smoker brands." (at 67)
Association of the Brand with Images of Escape, Relaxation, and Luxury	U.S. Ex. 89,193	2061704297-4298			Category I (Confidential).
Association of the Brand with Images of Escape, Relaxation, and Luxury	U.S. Ex. 89,191	2063726582-6584	Parliament Menthol Lights - Exploratory Qualitative Phase Two & Three - Final Report	November 13, 1995	"…both creative campaigns…share certain commonalities—water, couples, green and 'Escapism' theme. As a result, they both were found to communicate a general sense of vacation, relaxation, enjoyment, romantic relationships and menthol identity…." (at 6582)

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Demonstrative 12: Themes and Images in Parliament Marketing That Appeal to Adolescents
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Topic or Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Association of the Brand with Images of Escape	U.S. Ex. 24,572	2071441043-1044	Parliament Menthol Advertising Exploration	March 6, 1992	Focus groups with 18-24 year old menthol smokers. Evaluated five possible campaigns. "Horizon had a young adult, active, upbeat feeling that is appealing to these smokers." (at 1043) "…a relaxing moment (after activity, hanging-out, etc.) would be more appealing to this group and may have greater potential." (at 1043)
Association of the Brand with Images of Escape	U.S. Ex. 70,315	2063726836-6866	Untitled (*concerns test of New Pack design)*	Estimated 1995	New Pack design clearly preferred by Parliament and competitive smokers. (at 6838)
Association of the Brand with Images of Escape	U.S. Ex. 70,345	2063727013-7015	Parliament Blue Packaging Quantitative Study - Final Report	October 19, 1995	"…the New Pack was overwhelmingly preferred to the Current Pack…" (at 7013) The New Pack has "…stronger signals of class, style, trendiness, elegance, expensive and high quality than the Current Pack." (at 7014) "The New Pack is also more likely to be perceived as modern, innovative and contemporary which lead it to being less often described as traditional versus the Current Pack." (at 7014)
Association of the Brand with Images of Escape, Relaxation, and Luxury	U.S. Ex. 70,315	2063727032-7074	Parliament Packaging Study	December 1995	Attributes of the New Pack noted by more than 50% of 18-34 year old Parliament Smokers: Modern, classy looking, stylish, trendy. (at 7037)

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Topic or Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Association of the Brand with Images of Escape, Relaxation, and Luxury	U.S. Ex. 43,343	2073454502-4595	Parliament Blue Image Study Research Proposal	Circa 1996	Parliament "…is the fourth largest brand among 18-34 year old lights smokers in [Region 1]…" (at 4503) Region 1 is the only region in which it is "supported." The research objectives included: "To explore young adult smokers' (YAS) perceptions of Parliament Lights…" (at 4504) "More than half of Parliament blue's smoker share falls in the 18-34 year old age bracket in Region 1." (at 4509) "Young adult women smokers (18-24) view the typical Parliament Lights smoker …as someone who is more adventurous, lives life to the fullest." (at 4521) "Parliament Blue has the highest smoker share among 18-24 year old females." (at 4529) "Parliament Lights advertising suggest wealth to all smokers." (at 4535) Other attributes that respondents indicated were communicated by Parliament Lights ads: "'Likes to travel;' 'upscale/sophisticated/classy;' 'free spirited;' 'has a lot of leisure time.'" (at 4537) Comments about Parliament Light smokers include: "'They are beautiful people who have lots of money;' 'Rich, famous, and relaxed;' 'Successful, confident, somewhat snobbish' 'A Relaxed person that enjoys life.'" (all at 4539)

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Topic or Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Association of the Brand with Images of Escape	U.S. Ex. 43,343	2073454502-4595 (continued)			"Parliament smokers are more likely than competitive smokers to say they have style and are sophisticated, while competitive smokers describe themselves as more everyday and hardworking." (at 4542) Self-descriptions of Parliament smokers: fun, down-to-earth; mature; independent; confident; adventurous; popular; cool/with it." All these descriptive characteristics were endorsed by more than 50% of Parliament smokers. (at 4543) Aspirations of Parliament Lights smokers that were endorsed by more than 30% of respondents include: successful, attractive, honest, has style, fun, popular, sophisticated. (at 4545)
Association of the Brand with Images of Escape	U.S. Ex. 70,717	2080490740-0774	Life After Launch: Parliament Creative Development and Photoshoot for Year 2000	August 6, 1999	Deep emotional elements of smoking include "escape, adventure; independence, personal expression; edgy, exciting." (at 0745) The document presents a 'Creative Framework:' to "create a place that connects with YAS on an emotional level -provides escape with a sense of mysterious adventure; -edgy and exciting feel and look; -gives a feel of detachment and control; -independent and personal." (at 0765)
Association of the Brand with Images of Escape, Relaxation, and Luxury	U.S. Ex. 40,401	2071186648-6693	Project PXB update	Circa 1999	"Advertising…Connotes relaxation, 'vacation from ordinary' and fun." (at 6670). "Brand essence consistent yet evolved - Escape/getaway is still aspirational but not as sophisticated and potentially 'out of reach.'" (at 6671)

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Topic or Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Association of the Brand with Images of Escape, Relaxation, and Luxury	U.S. Ex. 89,194	2080496256-6267		May 3, 2000	Confidential.
Association of the Brand with Images of Escape, Relaxation, and Luxury	U.S. Ex. 45,340	2080534400-4483	Parliament Image Study Final Report	August 2000	Interviewed smokers 18-34 years of age. Got unaided imagery for Parliament and then showed campaign boards for Parliament, Marlboro, Newport, and Camel. (at 4404) Sample overweighted to 18-24 year olds. "Parliament's current image appears to be more appealing to Camel brand smokers and to smokers 18-24:" (at 4412) Sociable, fun and easy-going young adults who seek the most out of life…" (at 4415) Compared with the image of Parliament in 1996, the typical Parliament smokers is "…perceived to be more young-adult…" (at 4416) Exposure to the current Parliament advertising raised perceptions on the following attributes: advertising you like, up-to-date; part of good times; modern, contemporary; popular; cool, hip brand; trendy, changes with times; and prestigious. (at 4422) Exposure to Parliament advertising led to more than 50% of respondents to describe the Parliament smoker as: fun; relaxed; lives life to the fullest; unique, individual style; always looking for a good time. (4435)

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Topic or Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Association of the Brand with Images of Escape, Relaxation, and Luxury	U.S. Ex. 45,340	2080534400-4483 (continued)	Parliament Image Study Final Report	August 2000	Imagery of Parliament: "'Sophisticated Fun Seekers' The typical Parliament smoker is a man or woman living in an urban area who enjoys listening to current rock/pop, classical, or jazz. … They are perceived as fun, easy-going and having a unique individual style. The brand image is portrayed as stylish, part of the good times and social." (at 4428) Under summary of findings it states that Parliament advertising conveys an image of Parliament that is "Sophisticated & Aspirational" and "Fun & Attainable." (at 4459) "Young adult smokers are more likely to find Parliament appealing." (that is, 18-24 vs. 25-34 year olds) (at 4479)

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Topic or Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Association of the Brand with Images of Escape	U.S. Ex. 45,332	2080496161-6169	Parliament Communication Strategy	August 11, 2000	"Communication Objective: To build …awareness and trial through appealing, differentiated imagery which speaks relevantly to YAS - especially those who are considering a change from Camel, Winston, Newport, or other premium brands." (at 6163) "Parliament offers YAS an alternative mainstream choice, a brand that makes a unique statement." (at 6165) Under Advertising Strategy: "Parliament is for those…who are looking for more -- something that makes more of a statement of who they are … it offers a fun, never boring, never ordinary, smooth smoking experience." Hand written next to this, are the words: confident; self-assured; self-defined; independent thinking; open-minded. (at 6166) "The Parliament brand is the perfect destination for discerning YAS who seek excitement and satisfying smoking pleasure." (at 6166) [Notes: "Pleasure" deleted and replaced with "experience" and handwritten at bottom of page is: "excitement—fun anticipation/expectation." (at 6166)
Association of the Brand with Images of Escape		Deposition	Robert Mikulay	July 1, 2002	"And so the whole positioning, from the marketing statement, was the double entendre of 'The Perfect Recess,' recessed filter, and perfect recess, relaxation, laid back kind of attitude." (at 82, lines 8-11)
Association of the Brand with Images of Escape	U.S. Ex. 89,201	2061702941-2941			Category I (confidential)
Association of the Brand with Images of Escape		Deposition	Susan Lauinger, Parliament Brand Manager, 1995-2001	July 2, 2003	The things Philip Morris tried to communicate about Parliament were "… that Parliament was about relaxation … Parliament was about getaways or destinations … Parliament was about sociability." (at 88)

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Topic or Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Romance	U.S. Ex. 70,309	2063709628-9842	Parliament Direct Mail Telephone Research	August 1994	Parliament Smoker Profile attributes endorsed by more than 20% included: sophisticated people, romantic people, friendly people. (at 9646)
Romance	U.S. Ex. 89,191	2063726582-6584	Parliament Menthol Lights - Exploratory Qualitative Phase Two & Three - Final Report	November 11, 1995	"The look and action of the couples was found by many respondents to convey a fantasy romance." (at 6582)
Romance	U.S. Ex. 43,343	2073454502-4595	Parliament Blue Image Study Research Proposal	Circa 1996	Attributes that respondents indicated that Parliament Lights advertisements communicated: Likes to have fun; in love/romantic. (at 4537)
Romance	U.S. Ex. 45,340	2080534400-4483	Parliament Image Study - Final Report	August 2000	Exposure to Parliament advertising led to more than 50% of respondents to describe the Parliament smoker as romantic. (at 4435)
Sociable	U.S. Ex. 45,340	2080534400-4483	Parliament Image Study - Final Report	August 2000	Parliament Advertising portrays "Sociable, fun and easy-going young adults who seek the most out of life …" (at 4415) Exposure to Parliament advertising led to more than 50% of respondents to describe the Parliament smoker as: social; fun; friendly; confident; and easy going. (at 4435) "The brand image is portrayed as stylish, part of the good times and social." (at 4428) The percent of respondents who say that Parliament is "growing in popularity" increased to 23% from 16% in 1996. (at 4475)
Sociable	U.S. Ex. 70,718	2080490882-0912			Category I (confidential)

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Demonstrative 13: Images and Themes in the Newport Campaigns That Appeal to Adolescents
U.S. Exhibit 17,567

Image	Exhibit Number	Bates Number	Document Title or Topic	Document Date	Quote/Example
Popularity, social success	U.S. Ex. 22,357	03537131-7132	Product Information	August 30, 1978	"NEWPORT in the 1970's is turning into the Marlboro of the 60's and 70's. It is the 'In' brand to smoke if you want to be one of the group." (at 7131)
Popularity, social success	U.S. Ex. 55,927	83896981-7009	An Exploratory Study for Newport Smoking and Purchase Behavior of Young Adults	October, 1981	"Adoption of current brand was very often motivated by a desire to smoke the same brand as a close friend or friends." (at 6989)
Popularity, social success	U.S. Ex. 57,155	91949806-9831	Newport Promotional Concepts	November 11, 1993	Objectives include to "Strengthen Newport's competitive edge as the peer brand among young adult smokers." (at 9808) Regarding one ad, "The atmosphere of camaraderie and positive attitude collectively support the 'Alive with Pleasure' heritage." (at 9813)
Popularity, social success	U.S. Ex. 74,423	91950191-0242	Final Report on Eight Focus Groups with Black and White Users of Newport, Salem, and Kool Cigarettes On Issues Related to Newport Cigarettes and its Advertising Campaign	January, 1994	Blacks smoke Newport "…because they perceive Newport as an 'in' cigarette that is popular among their friends and peers." (at 0199) "Black Salem/Kool Smokers relate Newport to …popularity…" (at 0196) "The Black Newport smokers perceive a typical Newport smoker as being <u>sporty, hip, upscale, laid back, and very modern.</u>" (at 0195, emphasis in original)
Popularity, social success	U.S. Ex. 74,415	91840214-0311	An Evaluation of the Newport "Pleasure on Wheels" Promotion Tiers 1 and 2	July, 1994	The primary marketing objectives of the Newport Pleasure on Wheels (POW) promotion were to • "Generate incremental volume of the Newport brand through impulse purchase and • Reinforce Newport's image as the 'peer brand' among young adult smokers." (at 0218)

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Demonstrative 13: Images and Themes in the Newport Campaigns That Appeal to Adolescents
U.S. Exhibit 17,567

Image	Exhibit Number	Bates Number	Document Title or Topic	Document Date	Quote/Example
Popularity, social success	U.S. Ex. 85,209	96290861-0869	The Menthol Market Study Reanalysis	July 15, 1996	"…taste seems to be a relatively small part of the menthol smoker's brand choice. Imagery appears to play a larger role, particularly in choices between relatively similar brands…This is key learning, providing the groundwork for future work among menthol smokers, which should focus more widely on smokers' motivations, including personality, lifestyle, and image receptivity." (at 0862) "…there is a strong relationship between image and brand. For example, 81% of those who characterize their brand personality primarily in terms of 'Social Acceptance' are in fact smoking Newport. Imagery thus seems to play a major role in menthol brand selection—not just, or even primarily, 'taste' imagery but, particularly user imagery.…A large part of menthol brand choice may thus be driven by a brand's 'social meaning', and its fit to motives rooted in personality and lifestyle." (at 0866)
PM Docs on the Success of Lorillard in Associating Newport with Images of Popularity	U.S. Ex. 42,897	2073308046-8067	YAM/YAF Prime Prospect Analysis	September 16, 1998	A Philip Morris document from 1998 presents data on the perceived popularity of Newport, Camel, and Marlboro. It reports that 24% of Marlboro's prime prospects see Newport as growing in popularity. (at 8051)
PM Docs on the Success of Lorillard in Associating Newport with Images of Popularity	U.S. Ex. 42,808	2073056330-6412	Young Adult Smoker Lifestyle and Attitude Segmentation	February, 1998	A Philip Morris document from 1997 or 1998 identified segments of young adult smokers in terms of their lifestyles and personalities. The document dubbed one group, "Hollow Followers" because of their strong motivation for peer acceptance. The report stated that Newport's "…perceived peer popularity is driving its growth among Hollow Followers." (at 6409)

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Image	Exhibit Number	Bates Number	Document Title or Topic	Document Date	Quote/Example
PM Docs on the Success of Lorillard in Associating Newport with Images of Popularity	U.S. Ex. 45,389	208133899 7-8999	Marlboro Imagery Among Menthol YAS Exploratory – Final Report	February 9, 2001	"Several Newport YAS also say they choose menthol because it's social – their friends smoke it." (at 8998)
Fun, excitement, pleasure	U.S. Ex. 56,118	86088262-8263	Cover letter of direct mail with coupons and Newport's Pleasure Goods Catalog	Undated	Slogan is "Newport Pleasure!" (at 8263)
Fun, excitement, pleasure	U.S. Ex. 67,671	89579662-9667	Heading is "Regression: Influences on likelihood of switching to Newport"	Undated	Whites "are more likely to identify Newport as the cigarette of 'young', 'fun-loving' smokers." (at 9666)
Fun, excitement, pleasure	U.S. Ex. 55,927	83896981-7009	An Exploratory Study for Newport Smoking and Purchase Behavior of Young Adults	October, 1981	"They described people shown in the ads as happy, or 'having fun' and healthy." (at 7003)
Fun, excitement, pleasure	U.S. Ex. 67,673	89579737-9797	Newport Image Study	September, 1988	"In all areas Newport smokers were viewed as party-goers, those that do their own thing and fun-loving" "In all areas Newport smokers were viewed younger and more fun-loving than Kool and Salem smokers." (both at 9784)

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Image	Exhibit Number	Bates Number	Document Title or Topic	Document Date	Quote/Example
Fun, excitement, pleasure	U.S. Ex. 57,155	91949806-9831	Newport Promotional Concepts	November 11, 1993	Strategies outlined include: " • Build excitement around Newport as an integral part of the urban center lifestyle. • Develop exciting innovative program concepts and overlays with involving and dynamic features that pull the consumer to the brand. • Reinforce brand image and equity in the 'pleasure' positioning as developed through previous advertising campaigns." (all at 9808)
Fun, excitement, pleasure	U.S. Ex. 74,423	91950191-0242	Final Report on Eight Focus Groups with Black and White Users of Newport, Salem, and Kool Cigarettes On Issues Related to Newport Cigarettes and Its Advertising Campaign	January, 1994	"Black Salem/Kool Smokers relate Newport to fun and excitement … Kool is perceived to be a strong, good tasting cigarette that is more of a sophisticated man's cigarette. Its image is represented by a group of friends, together." (at 0196) "Black Newport Smokers believe that Newport ads send strong, positive messages because they incorporate happiness, togetherness, and people taking part in fun things …. The favorite Newport ad is 'couple at the drinking fountain'… The strength of 'Alive with Pleasure' is that it depicts settings where fun situations that could include smoking are presented"… The strength of 'Newport Pleasure' is that the theme centers on the benefits [fun] of a specific brand [bracketed 'fun' inserted in the original.] (at 0196) 'Alive with Pleasure' communicates: "life, energy, activities, happy times, couples, togetherness, wholesomeness, and fun." (at 0199) 'Alive with Pleasure' "seems to set more of a mood of being upbeat, happy, full of life and energy." (at 0200)

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Image	Exhibit Number	Bates Number	Document Title or Topic	Document Date	Quote/Example
PM Docs on the Success of Lorillard in Associating Newport with Images of Fun and Excitement	U.S. Ex. 89,186	2072661589-1613	Qualitative Research Exploring the Popularity of Newport Among 18 to 24 Year Old Smokers	December 1987	"Participants at both sessions perceived the typical Newport smoker to range in age from older teens to mid/upper twenties. Further, the Newport smoker was outgoing, fun-loving, enjoyed partying, and was into disco and/or jazz music." (at 1601)
PM Docs on the Success of Lorillard in Associating Newport with Images of Fun and Excitement	U.S. Ex. 45,363	2080985436-5438	YAMScan II – Final Presentation Summary	April 14, 2000	It discusses why some YAMs may be gravitating to the Newport brand: "Newport…has a simple characterization of being fun, inclusive, parties and good times." (at 8802)
PM Docs on the Success of Lorillard in Associating Newport with Images of Fun and Excitement	U.S. Ex. 45,389	2081338997-8999	Marlboro Imagery Among Menthol YAS Exploratory – Final Report	February 9, 2001	Newport YAS say menthol equals 'energy,' 'excitement.' (at 8998)
PM Docs on the Success of Lorillard in Associating Newport with Images of Fun and Excitement	U.S. Ex. 70,717	2080490740-0774	Life After Launch: Parliament Creative Development and Photo Shoot for Year 2000	August 6, 1999	Parliament "Owns fun/active …positioning." (at 0752)

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Demonstrative 13: Images and Themes in the Newport Campaigns That Appeal to Adolescents
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Image	Exhibit Number	Bates Number	Document Title or Topic	Document Date	Quote/Example
Sports	U.S. Ex. 74,884	04411381-1443	Lorillard's Preview '64, Dallas, Texas (Script of presentation to Sixth Annual National Sales Meeting)	January 6, 1964	Indicates that Newport will advertise on television sports shows, including *Wide World of Sports*, *American Football League*, and *Pre-Olympic trials.* (at 1409)
Sports	U.S. Ex. 56,462	89112750-2751	Newport's baseball hat promotion	March 18, 1992	"Watch your sales increase with Newport's Baseball Hat Promotion!" (at 2751)
Sports	U.S. Ex. 55,927	83896981-7009	An Exploratory Study for Newport Smoking and Purchase Behavior of Young Adults	October, 1981	In responding to models in Newport advertising, "They repeatedly described them as 'all outdoors' or 'sports.'" (at 7003)
Sports	U.S. Ex. 57,155	91949806-9831	Newport Promotional Concepts	November 11, 1993	Rationale includes, "Newport becomes synonymous with sports via an attitude of pleasure beyond the regulation limits." (at 9824)
Coping with stress/emotion	U.S. Ex. 67,673	89579737-9797	Newport Image Study	September, 1988	48% of respondents said that Newport smokers were relaxed. (at 9766)
Coping with stress/emotion	U.S. Ex. 74,423	91950191-0242	Final Report on Eight Focus Groups with Black and White Users of Newport, Salem, and Kool Cigarettes On Issues Related to Newport Cigarettes and Its Advertising Campaign	January, 1994	"Black Newport Smokers relate Newport to relaxing situations or 'chillin' in pleasant surroundings." (at 0195, quotes in original)

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Demonstrative 14: Brown & Williamson's Marketing Documents
U.S. Exhibit 17,568

Image or Issue	Exhibit Number	Bates Number	Document Title	Document Date	Quote
Understanding of the need to market to adolescents or their intent to do so	U.S. Ex. 35,018	170052238-2240	Memo entitled "Conclusions"	February 21, 1973	This memo lists only conclusions on which B&W plans to take action. "At the present rate, a smoker in the 16-25 year age group will soon be three times as important to KOOL as a prospect in any other broad age category." (at 2238-39) "KOOL's stake in the 16-25 year old population segment is such that the value of this audience should be accurately weighted and reflected in current media programs. As a result, all magazines will be reviewed to see how efficiently they reach this group…" (at 2240)
Understanding of the need to market to adolescents or their intent to do so	U.S. Ex. 47,489	400229127-9148	Saturn Objective	No date, circa 1980s. Part of 400818174 from the mid-80s	Discussed experience as beginning smoker. (at 9134) Described experimental phase of smoking among 9-12 year olds. (at 9138) Noted the "adoption phase" for smoking was "14-16 years old - High School (Formative Years)." (at 9139)
Understanding of the need to market to adolescents or their intent to do so	U.S. Ex. 21,877	680116947-6968	Viceroy Agency Orientation Outline	Circa 1976	"Starters By Brand—Marlboro excells [sic] on obtaining starting smokers with 9% of its former user base falling into this group. Winston is second at 7% and VICEROY third with 6%." (at 6950) Presents indices of cigarette consumption for those 16-25 years old. (at 6950) Target audiences include "Males 16-35 primarily." (at 6959)
Understanding of the need to market to adolescents or their intent to do so	U.S. Ex. 53,869	670624932-5364	History and Key Trends in the U.S. Cigarette Market	October 1979	Reviews data on brand market share or consumption among those as young as 16. (at 5013-5015, 5061)
Understanding of the need to market to adolescents or their intent to do so	U.S. Ex. 21,925	109870521-0561	The Current Group R&D Projects	Circa 1985	"Overall BAT strategy will be market specific and multi-brand but within each market major effort behind one brand aimed at starters/young adults." (at 0536)

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Understanding of the need to market to adolescents or their intent to do so	U.S. Ex. 25,429	670579884-9946	Untitled printout of data on "Starting Age of All Smokers on the Switching Study"	October 26, 1983	Shows that 37.15% of respondents reported starting to smoke before age 18. (at 9884)
Understanding of the need to market to adolescents or their intent to do so	U.S. Ex. 53,921	676019303-9393	KOOL: 1933-1980 – A Retrospective View of KOOL, Book I: The Text, Prepared by Cunningham & Walsh	November 10, 1980 Revised: 12/1/80	"Between 3 and 4 million post-war babies enter the smoking population annually starting in 1963, a new source of business." (at 9329) Television advertising during this period reached " …two key growing opportunity segments: young people, particularly males, needing traditional rites of passage" and "Blacks, looking for menthol taste …" (at 9331) "Kool's share of starters climbs to 12.0% in '75 vs. 7.0% in '70; 60% of starters are under 25 years in '75 …" (at 9357)
Understanding of the need to market to adolescents or their intent to do so	U.S. Ex. 20,938	566627751-7824	Project Plus/Minus	May 7, 1982	"Serious smoking mainly starts in the 14-18 age range." (at 7753)
Understanding of the need to market to adolescents or their intent to do so	U.S. Ex. 69,097	673002083-2170	1985 Strategic Marketing Plan	1985	Information it has gathered about the desires of Marlboro smokers "may be a clue to the needs of starters." (at 2138)
Understanding of the need to market to adolescents or their intent to do so	U.S. Ex. 53,921	676019303-9393	KOOL: 1933-1980 – A Retrospective View of KOOL, Book I: The Text, Prepared by Cunningham & Walsh	November 10, 1980 Revised: 12/1/80	"If we accept that youth smoke primarily for image, and it was the attraction of this segment as well as black smokers, particularly males, that provided the main sources for the Brand's growth, then we can deduce that Kool's advertising provided these smokers with a relevant image, i.e., the menthol smoke for the kind of man they could emulate." (at 9341)

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Image or Issue	Exhibit Number	Bates Number	Document Title	Document Date	Quote
Understanding of the need to market to adolescents or their intent to do so	U.S. Ex. 30,792	621079918-9921	Kool Isn't Getting the Starters/236 – Memorandum from D.V. Cantrell to I.D. Macdonald, Brown & Williamson Marketing Vice President	February 17, 1987	The document begins: "This memo addresses the fact that Kool is no longer attracting new smokers (further referred to as 'starters') …" (at 9118) "Menthol brands have been said to be good starter products because new smokers appear to know that menthol covers up some of the tobacco taste and they already know what menthol tastes like, vis-à-vis candy." (at 9920)
Understanding of the need to market to adolescents or their intent to do so	U.S. Ex. 89,207	482312506-2565	1998-2000 Forecast Including Settlement & FET	July 10, 1997	This document forecasts cigarette sales for 1998 through 2000. Brown & Williamson analyzes sales among those under 21. The document shows that 5.5% of total industry sales are to those under 21.
Understanding of the themes and images likely to motivate adolescents to smoke their brands	U.S. Ex, 47,489	400229127-9148	Saturn Objective	Circa 1980s. Part of 400818174 from the mid-80s	Notes social acceptance ["avoid threats" "join crowd (avoid rejection)"] as factors in initial smoking. (at 9138) Also notes revolt against authority. (at 9138) Under "why" notes role models, fear of rejection, revolt, and rites of passage. (at 9139)
Understanding of the themes and images likely to motivate adolescents to smoke their brands	U.S. Ex. 21,681	102690336-0350	Structured Creativity Group Presentation by D. E. Creighton	June, 1984	"We must find a way to appeal to the young, who want to protest so that the product image, and the product will satisfy this part of the market." (at 0338)

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Demonstrative 14: Brown & Williamson's Marketing Documents
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Image or Issue	Exhibit Number	Bates Number	Document Title	Document Date	Quote
Understanding of the themes and images likely to motivate adolescents to smoke their brands	U.S. Ex. 21,877	680116947-6968	Viceroy Agency Orientation Outline	1976	Discussed "real or perceived benefits of smoking," which include "symbol of maturity or independence," "social icebreaker," and "presentation of self in a favorable manner associated with the cigarette brand image." (at 6952) Mandatories presented, including: "…advertising must give VICEROY a youthful, high quality look." (at 6963) Marlboro's executional elements and their connotations and benefits through imagery are listed. Executional elements of cowboys, horses, scenery, and lifestyle; their connotations include rugged individualism, masculinity, strength, simplicity, good health, comfort, satisfaction, and honesty. (at 6964) Benefits through imagery: "Marlboro is a rich, satisfying cigarette smoked by men who are strong, independent people whose lifestyles are equally rich and satisfying. Superiority is clearly implied." (at 6964) Same things presented for Winston: Connotations: youthful (extreme), strong, contemporary, bold, aggressive. (at 6964)
Understanding of the themes and images likely to motivate adolescents to smoke their brands	U.S. Ex. 20,939	566627826-7935	"Project 16" ENGLISH YOUTH	October 18, 1977	"[D]esigned to … learn everything there was to learn about how smoking beings [sic], how high school students feel about being smokers …." (at 7839) "The adolescent seeks to display his new urge for independence with a symbol, and cigarettes are such a symbol since they are associated with adulthood and at the same time adults seek to deny them to the young. By deliberately flaunting out this denial, the adolescent proclaims his break with childhood, at least to his peers." (at 7831-7832) "Around the age of 11 to 13, there is peer pressure exerted by smokers on non smokers that amounts to taunting and goading of the latter to get them to smoke." (at 7831)

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Image or Issue	Exhibit Number	Bates Number	Document Title	Document Date	Quote
Understanding of the themes and images likely to motivate adolescents to smoke their brands	U.S. Ex. 21,530	109872505-2508	Key Areas - Product Innovation Over Next 10 Years for Long Term Development	August 28, 1979	"[T]ypical development path for a smoker, namely: Factors starting the habit: Curiosity, Parents…Image/peers." (at 2505)
Understanding of the themes and images likely to motivate adolescents to smoke their brands	U.S. Ex. 53,869	670624932-5364	History and Key Trends in the U.S. Cigarette Market	October 1979	Analysis of Cigarette Brand Imagery begins on 5091. Imagery involves product imagery and user imagery (work role imagery, personality imagery, and physical appearance). (at 5093) Highest on "masculine brand" were Camel, and Marlboro. (at 5125) Marlboro highest on "a man who women find exciting." (at 5126) Winston and Marlboro are equal with respect to "Is a solid, dependable person." (at 5127) Virginia Slims has an image that includes "a woman who men find exciting," and "enjoys getting excited about things." (at 5133)
Understanding of the themes and images likely to motivate adolescents to smoke their brands	U.S. Ex. 20,938	566627751-7824	Project Plus/Minus	May 7, 1982	Extensive study of factors influencing youth (specifically teens) and adult smoking. Notes peer influences. Notes role of rebelliousness in starting. (at 7762) Other motivations noted: Peer pressure. (at 7766) To join or remain in a circle. (at 7766-7767) Image of being cool. (at 7768) An icebreaker in social situations. (at 7769) Relaxation. (at 7773)

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Demonstrative 14: Brown & Williamson's Marketing Documents
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Image or Issue	Exhibit Number	Bates Number	Document Title	Document Date	Quote
Understanding of the themes and images likely to motivate adolescents to smoke their brands	U.S. Ex. 67,705	210004059-4165			Category I (confidential)
Understanding of the themes and images likely to motivate adolescents to smoke their brands	U.S. Ex. 53,921	676019303-9393	KOOL: 1933-1980 – A Retrospective View of KOOL, Book I: The Text, Prepared by Cunningham & Walsh	November 10, 1980 Revised: 12/1/80	"If we accept that youth smoke primarily for image and it was the attraction of this segment as well as black smokers, particularly males, that provided the main sources for the Brand's growth, then we can deduce that Kool's advertising provided these smokers with a relevant image, i.e., the menthol smoke for the kind of man they could emulate." (at 9341)

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Demonstrative 15: Themes and Images in Kool Marketing That Appeal to Adolescents
U.S. Exhibit 17,569

Theme or Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Masculine, rugged, tough	U.S. Exhibit 54,346	635900092A-0117	Kool 'Biker Ad' Campaign Test Market Work Plan	Circa 1991	"A New advertising campaign for Kool is necessary to connect with "Kool's key 'target' audience: young adult males." (0094) "The 'Biker' himself is strong and masculine…a man who is confident, capable and free." (at 0094)
Masculine, rugged, tough	U.S. Exhibit 53,921	676019303-9393	Kool: 1933 -1980 A Retrospective View of Kool Book I: The Text	November 10, 1980, Revised: December 1, 1980	"…two key growing opportunity segments: Young people, particularly males, needing traditional rites of passage." (at 9331) The Kool smokers depicted in the commercials were rugged, independent, self-assured …" (at 9331)
Masculine, rugged, tough	JE-20973	670624652-4705	Kool Strategic Brand Plan	Estimated 1981	"The need, then, is to revitalize KOOL as a product representing the best in relevant product and smoker image qualities in a vibrant and contemporary manner….KOOL's equity of name, product uniqueness and young male symbolism must be brought into the 1980's and exploited." (at 4656)
Masculine, rugged, tough	U.S. Exhibit 69,096	673002075-2082	KOOL Advertising Tracking Study Topline Report Five Weeks After Start of KOOL Campaign	September 1984	Cites as potential problems: "Decline in 'Masculine brand' and 'primarily for men' among young males." (at 2076) 'Decline in' appeals primarily to young across all groups. (at 2076)
Masculine, rugged, tough	U.S. Exhibit 69,097	673002083-2170	1985 Strategic Marketing Plan	Estimated 1985	"Advertising should symbolize both the best cigarette (quality) and a contemporary image of masculinity, self-assurance, confidence and control (cool)." (at 2100)
Masculine, rugged, tough	U.S. Exhibit 53,870	670660378-0420	Brown & Williamson Tobacco Corporation 1985 Kool Media Plan	October 16, 1984	"The creative property is judged to be a strong masculine proposition for the brand and as such a valuable targeting device for young male smokers." (at 0380)
Masculine, rugged, tough	U.S. Exhibit 53,694	661092913-2933	New KOOL 25's Test Market Work Plan	1985	"The 25's package may also enhance the masculine appeal of KOOL to its targeted young adult smokers." (at 2915)

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Demonstrative 15: Themes and Images in Kool Marketing That Appeal to Adolescents
U.S. Exhibit 17,569

Theme or Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Masculine, rugged, tough	U.S. Exhibit 71,218	679010346-0391	Reactions to Four Alternative Black Models for the Kool "Biker" Campaign	August 1985	"Respondents are often openly envious of the Player's imagined success with women and the easily-won affluence they think he enjoys. He is perceived as a young man whom younger respondents find it especially easy to relate to. He is sharp, street-smart, good-looking, and very cool. All of these are strongly admired traits." (at 0354) "Respondents continue to see the same themes in the motorcycle-related visuals: freedom and escape, solitude and self-sufficiency, danger, manliness, power and control." (at 0359)
Masculine, rugged, tough	U.S. Exhibit 69,112	676010419-0431	Qualitative Research on New Kool Advertising Executions Final Report	September 8, 1986	"Both male models project extremely masculine images. They are seen as strong men in both the physical and emotional sense. This machismo is conveyed by the presence of the motorcycle and the women who seem to be holding on to, and even grasping, the men in some of the visuals." (at 0421) "Additional themes are 'coolness,' 'macho men' and 'sensuality.'" (at 0420)
Masculine, rugged, tough	U.S. Exhibit 67,875	465647509-7599	KOOL Impact Awareness & Usage Study Pre-Wave	May 1987	"KOOL Full-Taste smokers were best described as being 'masculine' and 'rugged,' while the best descriptions for KOOL Milds included 'independent' and 'up-to-date.'" (at 7522)
Masculine, rugged, tough	JD-011782	210431300-1317			Category I (confidential)
Masculine, rugged, tough	U.S. Exhibit 58,932	LB0068733-8762	Topline of Salem Focus Groups in New York	April 30, 1999	Report of focus groups done in New York City among YAMS 21-29, the majority of whom were 24+. "YAMS understood this campaign to be about sex and seduction. *It's about a girl with her boyfriend checking out the Kool guy. The bad boy attracts the opposite sex." (at 8736)*

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Demonstrative 15: Themes and Images in Kool Marketing That Appeal to Adolescents
U.S. Exhibit 17,569

Theme or Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Excitement, fun, adventure, risk taking	U.S. Exhibit 71,120	679155993-6194	Smoker Personality Study Kool	Undated	"Personality factors which appear to have the greatest leverage for Kool in target segments are –'Risk taking/hedonism' and 'inhibited conformity.' (at 6009) To address risk taking, they recommend that "Visual cues which add flash, flair, and excitement would address the personality trait of risk taking/hedonism." (at 6023)
Excitement, fun, adventure, risk taking	U.S. Exhibit 54,346	635900092A-0117	Kool 'Biker' Ad Campaign Test Market Work Plan	1984	"The 'Biking' experience, as depicted in the ads, provides a brief escape from the ordinary life to enjoy the freedom and excitement of the open road and the mastery of a powerful machine…a very desirable 'macho' fantasy." (at 0094)
Excitement, fun, adventure, risk taking	U.S. Exhibit 53,572	660073510	Kool In-Store Presence	December 5, 1980	This is a memo regarding retail advertising in Daytona and Ft. Lauderdale, Florida beach areas during the 1981 Easter break. "Kool will be spending almost $500M over four weeks in these two markets against the young adult vacationers. This will be a tie-in program with Playboy (and their bunnies) to conduct mass sampling in bars. (at 3510) Kool has the opportunity to conduct in-store promotions that will tie in with the entire beach mentality of these young adults." (at 3510)
Excitement, fun, adventure, risk taking	U.S. Exhibit 69,097	673002083-2170	1985 Strategic Marketing Plan	Estimated 1985	"The Essence of the KOOL Property A Strong desire to be in the places envisioned, hear the action, and see the scene in which it is taking place. A feeling or mood of pleasure, relaxation, or excitement depending on the one's [sic] need at the time." (at 2168)
Excitement, fun, adventure, risk taking	U.S. Exhibit 71,218	679010345-0391	Reactions to Four Alternative Black Models for the Kool "Biker" Campaign	August 1985	Relaxation is another theme that is communicated. (at 0365)

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Demonstrative 15: Themes and Images in Kool Marketing That Appeal to Adolescents
U.S. Exhibit 17,569

Theme or Image	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Excitement, fun, adventure, risk taking	U.S. Exhibit 67,867	432200806-0810	Proposal for 1998 KOOL Indy Car Sponsorship study	June 1998	Proposes to "…assess the impact of the KOOL Indy Car sponsorship on perceived imagery of KOOL within the target audiences of male smokers, age 21-30 and KOOL most often brand … smokers." (at 0807)
Membership in a young, cool in-group.	U.S. Exhibit 69,127	677058111-8235	A Study of Smokers' Perceptions of Kool Internationals Final Report	April 1978	"The major occasions volunteered for smoking Kool Internationals suggest external motivations: At a Party (44%); To Impress People (29%); On Social Occasions (23%); and When Out for Evening (23%)." (at 8154)
Membership in a young, cool in-group.	U.S. Exhibit 69,135	677153624-3824	KOOL Test Market Performance: Kool Ultra & Kool Lights 1 ½ Year Report	April 1983	Surveyed imagery regarding KOOL and change over time. Image items surveyed include: (1) For young people (2) For all races (3) For old-fashioned people (4) For someone like me. (5) For active, energetic people (6) Many items on taste
Membership in a young, cool in-group.	U.S. Exhibit 69,124	676101765-1824	Movie Intercept Study Kool Cigarette Commercial Analysis	August 1983	Tested an ad shown before a movie (compared with controls who didn't see it). "The 'Playing It Kool' commercial does not successfully convey a youthful image of or generate self-association with the Kool cigarette brand." (at 1776)
Membership in a young, cool in-group.	U.S. Exhibit 69,096	673002075-2082	KOOL Advertising Tracking Study Topline Report Five Weeks After Start of KOOL Campaign	September 1984	Cites as a potential problem: "Decline in 'appeal primarily to young' across all groups." (at 2076)

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Membership in a young, cool in-group.	U.S. Exhibit 20,937	554000052-0060	Kool 1985/1986 Issues	March 6, 1985	Issue 1 "Is Kool able to effectively communicate its proposition to its target audience with its current marketing mix?" (at 0052) Answer is "No, because the brand has lost its 'in-brand' status …" (at 0052) Notes the success of Newport and Marlboro is due to their being in-brands for young adult target audiences. "They have peer group acceptance and high perceived popularity." (at 0052) "Marlboro built its business on the masculine Marlboro country TA campaign … Supported by on-campus programs that helped establish the brand as a young adult brand, peer group momentum was established that has been sustained through today." (at 0053) "Newport has maintained creative consistency since the early 70's. The Newport campaign has been tightly targeted to young adults. During this time, Kool either had no user image campaigns or was depicting older models." (at 0053) Recommends music events, among other things to establish Kool as "an 'in-brand'… among young adults." (at 0053) "…Kool must aggressively seek to re-establish itself among young adults with aggressive programs that increase identification with Kool using Newport's approach as a road map." (0053)
Membership in a young, cool in-group.	U.S. Exhibit 67,880	465680934-0941	Review of Kool and Other Key Brands from the National Awareness and Usage Study	January 16, 1987	"Kool does enjoy an image as a major menthol brand … that appeals to the young." (at 0934)
Membership in a young, cool in-group.	U.S. Exhibit 67,875	465647509-7599	KOOL Impact Awareness & Usage Study Pre-Wave	May 1987	"For the key brands, it appeared that the younger the respondents' age group, the higher their brand awareness levels for specific brands." (at 7529)

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Membership in a young, cool in-group	U.S. Exhibit 22,490	462110343-0376	Perception of KOOL in the Milwaukee Test Market Round II	November 1997	"Many felt the B KOOL campaign was attempting to update the image of KOOL, shifting it from older to younger adult." (at 0358)
Use of Music	U.S. Exhibit 69,080	670593796-3802	Final Report Kool Jazz Festival Sponsorship	December 1, 1975	Surveyed "300 young adult (18-35) Blacks and a total of 300 young adult (18-35) Whites." (at 3796) Two thirds of respondents were aware of Kool's Jazz Festival sponsorship. "… two thirds (66%) of the young adult Black smokers were aware of Kool's sponsorship." (at 3798) The sponsorship is rated favorably.
Use of Music	U.S. Exhibit 69,169	685096913-6923	1976 Kool Jazz Festival Sponsorship Study	Estimated 1976	Awareness of Kool's sponsorship has increased among young adult Black smokers, after the second festival.
Use of Music	U.S. Exhibit 69,074	670548387-8437	"Kool Jazz Festivals" Promotion Study	1979	Interviewed 497 Black and 252 White smokers of menthol cigarettes 21 years of age or older in six markets where Kool had sponsored recent Jazz Festivals. "Among those who were aware of the concert, those who actually attended were particularly likely to perceive that Kool would appeal to people in their 20's … high school graduates." (at 8401)
Use of Music	U.S. Exhibit 69,085	670601278-1284	Final Report "Kool Pacific Jazz Fair" Hawaiian Jazz Festival Study	February 1, 1979	Kool was rated as a cigarette for people in their 20s more frequently by those 21-34 than by those 35 and over. (at 1283)
Use of Music	U.S. Exhibit 69,108	675205489-5491	Final Report "Kool Country on Tour" Promotion Study	July 18, 1979	Eight events involving country music designed to "… improve Kool's product and user images among a target audience of white young-to-middle aged adults…" (at 5489)

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Use of Music	U.S. Exhibit 69,065	665070450-0468	Final Report "Kool Jazz Festivals" Promotion Study and In-Event Study	October 10, 1979	Blacks who attend are younger than average. "… the concert series is assessed as a viable promotional tool and, as such, it is recommended that it continue." (at 0455)
Use of Music	U.S. Exhibit 69,063	665000008-0091	Final Report Kool Campaign Qualitative Evaluation	April 24, 1981	"It appears that the younger the respondent, the more importance he attaches to the fact that the music is contemporary." (at 0039) "Some people also use music to feel part of a special group. This is primarily done by younger people who tend to be more influenced by their peers than older people." (at 0040) "Since at this age, they have few possessions to indicate status, young people seek out other symbols, among which is their preference in music." (at 0040) "Based on this research, it appears that the use of music in advertising was very effective. It is doubtful whether any subject other than music could have elicited such rich imagery from people who were not in any way extraordinary." (at 0042)
Use of Music	U.S. Exhibit 69,136	677153842-3968	Kool Ad Concept Study for Brown and Williamson Tobacco Corporation	January 1983	Study to determine the music preferences of smokers and what image is associated with five major forms of music - Rock, Jazz, Rhythm & Blues, Country, and Classical. Jazz image associations include "Have a Good Time With." (at 3853) "Most preferred music forms among blacks are Jazz, Rhythm and Blues, and Rock." (at 3852) "…degree of preference for a music form is less among older adults than younger adults." (at 3852)
Use of Music	U.S. Exhibit 69,106	675109308-9409	Special Magazine Report Kool Cigarettes *People*	February 7, 1983	A randomized design in which they varied the type of instrument the musician was pictured holding to see if it affected attention to ad and attitude. (at 9310)

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Use of Music	U.S. Exhibit 69,139	679012424-2527	Kool Test Market Performance 1 ½ Year Final Report	May 6, 1983	Notes share loss for Kool (down 8%) "Advertising recall centers on the music theme and, as might be expected, there is little mention of specific product benefits." (at 2432)
Use of Music	U.S. Exhibit 69,097	673002083-2170	1985 Strategic Marketing Plan	Estimated 1985	"Music helps people feel part of a group and can symbolize their status and important lifestyle values. This is particularly important among young adults who have few possessions to communicate their status. A recurring theme …is the perception of the musicians depicted as 'cool'. This is defined in the research as laid-back, self-assured, individualistic, and in control." (at 2167)
Use of Music	JD-012836	250170002-0092	Kool The Road to Menthol Authority	1999	Goal of the House of Menthol campaign: "Reclaim Kool's rightful place in the category as the Menthol Authority." (at 0037) Indicates that House of Menthol has three pluses: "Most contemporary, 'hip', urban and ASU26; Kool portrayed as keeping up with times; Communicates that Kool invented category." (at 0043) The B Kool campaign "lacks energy, excitement…gives campaign old, outdated feel …" (at 0043)

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Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
U.S. Ex. 20,672	501113724-3730	The Youth Research Institute Study Regarding Cigarette Smoking Among 7,521 High School and College Students in 80 Cities Throughout the United States, October – November, 1959: Summary of Findings; Author is William Esty Company	December 1959	The youth research institute study regarding cigarette smoking among 7,521 High School and College Students in 80 cities throughout the United States, October - November, 1959.
U.S. Ex. 48,855	501410405-0430	Teenage Marketing and Media Study-1968/1969 Basic Magazine Report on Demographic Characteristics of Teenage Boys (12-17) In the Average Issue Audiences of Major Magazines	March 17, 1969	This report is a copy of the Brand Rating Index on the brand preferences patterns of teenage boys (12-17) and presents detailed data on brand preferences for a total of 355 brands within the teenage boy audiences of 36 magazines. (at 0413)
U.S. Ex. 20,628	500347108-7111	Summary of Decisions Made in MRD-Esty Meeting, on April 7, 1971, Concerning Spring 1971 NFO Tobacco Products Survey	April 7, 1971	Age breaks for the questionnaire are 14-15, 16-17, 18-20. Although it's stated that the lower age limit for the profile of young smokers is to remain at 14, minutes note that "Cards are to be punched" for respondents aged 13 and younger "to provide a count, by year, of the very young smokers…" (at 7108)
U.S. Ex. 78,782	502987357-7368	Research Planning Memorandum on Some Thoughts About New Brands of Cigarettes for the Youth Market	February 2, 1973	"We should not in any way influence non-smokers to start smoking; rather we should simply recognize that many or most of the '21 and under' group will inevitably become smokers, and offer them an opportunity to use our brands." (at 7358) "Realistically, if our company is to survive and prosper, over the long term, we must get our share of the youth market." (at 7358)
U.S. Ex. 20,648	500724265-4313	R. J. Reynolds Tobacco Company Winston Box Marketing Plan	November 1973	Gives percent of 14-20 year old smokers smoking Marlboro box and Marlboro soft pack. Their preference is definitely for the box. Not so for those 21-24. (at 4273)
U.S. Ex. 23,051	501166152-6153	Cigarette concept to Assure RJR a Larger Segment of the Youth Market	December 4, 1973	Proposes development of a new RJR "Youth-appeal brand…" (at 6152)

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U.S. Ex. 21,865	500487414-7416	April Screening	March 15, 1974	Plan to screen 6,500 families and break respondents into two groups - 14-17 and those 18 and over. Requests a report on … "'Smoking Incidence and Brand Preference'—ages 14-17." (at 7415)
U.S. Ex. 67,921	500574161-4170	Memo on "What causes smokers to select their first brand of cigarette?"	July 3, 1974	Examines age of initiation (17 & under to 25 & over), reason for initiation, brand selection . . . "For legal reasons, we have been unable to directly survey smokers under 18 years of age (as will be shown most smokers begin smoking regularly and select a usual brand at or before the age of 18). Therefore, much of our information is drawn from secondary sources and we have to hypothesize to a considerable extent as to what causes initial brand selection because no comprehensive study we know of has directly addressed this issue." (at 4161) "The discussion which follows will cover the age at which people generally start smoking, their initial reasons for smoking, the brands they initially select for regular use and their reasons for selecting that brand." (at 4161) "The incidence of smoking among people 16-24 years of age is 40%." (at 4162)

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U.S. Ex. 21,609	500746950-6976	1975 Marketing Plans presentation - Hilton Head	September 30, 1974	"Our paramount marketing objective in 1975 and ensuing years is to reestablish RJR's share of marketing growth in the domestic cigarette industry." (at 6951) Four key opportunity areas are listed, the first of which is "Increase our young adult franchise." (at 6951) "First, let's look at the growing importance of the young adult in the cigarette market. In 1950, this young adult market, the 14-24 age group represented 21% of the population." (at 6951) "As seen by this chart, they [the 14-24 year olds] will represent 27% of the population in 1975. They represent tomorrow's cigarette business. As this 14-24 age group matures, they will account for a key share of the total cigarette volume—for at least the next 25 years." (at 6951) Noting Philip Morris' and Brown & Williamson's strong brand share among 14-24 year olds, the script states "With strong young adult franchises and high cigarette brand loyalties, this suggests continued growth for Philip Morris and B&W as their smokers mature." (at 6952). The document goes on to state that "Our two major brands, Winston and Salem, show comparative weakness against Marlboro and Kool among these younger smokers…This suggests slow market share erosion for us in the years to come unless the situation is corrected." (at 6952) "Thus, our strategy becomes clear for our established brands: 1- Direct advertising appeal to the younger smokers while 2- Being true to the brand's basic product attributes (e.g., taste for Winston, Refreshment for Salem) …" (at 6953)

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U.S. Ex. 48,452	500796928-6934	R.J. Reynolds Tobacco Company: Domestic Operating Goals	November 26, 1974	"Primary goal in 1975 and in ensuing years is to reestablish RJR's share of growth in the domestic cigarette industry." (at 6928) Would do this by increasing our "Young Adult Franchise" "14-24 age group in 1960 was 21% of population; in 1975 will be 27%." (at 6928)
U.S. Ex. 68,722	503542726-2729	Product Research Report: Share of Smokers by Age Group From John M. Wallace to T. L. Ogburn, Jr.	October 30, 1975	An annual update of trends in share of smokers by age, beginning with 14-17year olds. RJR and Philip Morris exhibited growth in most age groups, while Winston did have a decline in the 14-17 year old group. (at 2726)
U.S. Ex. 48,071	500234050-4051	Share of Smokers by Age Group	August 12, 1976	Annual update of share of smokers by age group. "Winston King's share among this 14-17 year age group is off two points for the second year in a row." (at 4050). "From a corporate standpoint, Philip Morris posted a 4 point gain among 14-17 year old smokers (RJR and B&W each lost 2 points)." (at 4051).
U.S. Ex. 67,997	502420391-0394	Early Warning System Input - Reasons for Smoking, Initial Brand Selection, and Brand Switching	October 25, 1976	"Over 50% of male smokers start smoking regularly before 18, and virtually all by 25." (at 0391) "Women start later (only 1/3 before 18), but four out of five have started by 25." (at 0391).
U.S. Ex. 89,195	504068686-8719	External Forecast	Circa 1976	Discusses smoking age population trends, including those 14-24 (which will decline). (at 8687)
U.S. Ex. 71,049	503745123-5137	Letter to Edward L. Wier, Executive VP of RJR International, from G. H. Long, VP of Marketing	March 16, 1977	Summarizes discussions of a series of meetings from March 1-15. "we must ascertain <u>what makes young smokers click</u>! [emphasis in original] We simply do not have information in this area, and the marketing company that gets the handle on this subject may be able to develop a positioning breakthrough for the future. My thoughts cover: what are motivational psychological factors that make 18-25 year old <u>male</u> and <u>females</u> smoke…." [emphasis in original] (at 5126)
U.S. Ex. 48,844	501380878-0889	Share of Smokers by Age Group	October 31, 1977	Annual update of trends in share of smokers by age group.

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U.S. Ex. 67,963	501850001-0077	Market Research Report SB "Fisherman II" and "Hidden Camera II" Placement Recall Tests	April 30, 1979	Want to appeal to "younger adult male smokers without alienating women." (at 0002)
U.S. Ex. 66,293	500117304-7309	Teenage Smokers (14-17) and New Adult Smokers and Quitters	February 1, 1980	Presents extensive data on "The Teenage (14-17 age group) Market." (at 7305) [note that "market" is not a term that is consistent with the statement in this document that the report "It is not designed to be used as a tool for developing marketing strategies for this population group." (at 7304)]
U.S. Ex. 66,323	501232617-2622	November NFO Market Structure, Switching and Demographic Profile Analysis	April 8, 1980	"There are two important sources of growth for a brand family: New, young adult smokers and smokers who switch brand families…. As older smokers are replaced by smokers who are 18 years of age, those brands which have high acceptability to young adults (Marlboro, Newport) inherently grow." (at 2618) [emphasis in original]
U.S. Ex. 60,645	503748558-8558	MDD Report on Teenage Smokers (14-17)	July 22, 1980	Memo conveys data on market share among Teenager Smokers (14-17)
U.S. Ex. 50,446	503777034-7035	Memo from Diane Burrows to Dick Nordine	August 20, 1980	Shows incidence of smoking among those 17-19. (at 7034)
U.S. Ex. 21,566	500686301-6313	Younger Adult Smokers	October 23, 1980	"P. Morris continues to gain share among the 14-17 year old age group. …" (at 6302)
U.S. Ex. 68,730	519190996-0998 and 5006905490-5534	Teenage Smokers (14-17) and New Adult Smokers and Quitters	November 14, 1980	According to the memo the report on Teenage smokers (14-17) is the third report on the subject and updates previous reports to include Spring 1980 in the data. (at 0996)
U.S. Ex. 71,122	80M00084-0084 Also 503418281	press clipping from New York Times: *Teen-Ager Smoking is Found to Decline*	January 15, 1981	Report on drop in Teen smoking.
U.S. Ex. 68,733	519190999-0999	1982 Black Market Report	November 12, 1982	Includes those under 18 years of age.

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U.S. Ex. 20,709	503011368-1369	Marketing Implications of the NBER Models	September 27, 1982	Young adult males are highly sensitive to price - suggest 1/2 packs (10s) marketed to beginning smokers who will double consumption as they mature. The NBER report covered price sensitivity of teens under 18. (at 1368)
U.S. Ex. 52,223	518488105-8198	Younger Adult Smokers: Strategies and Opportunities From Diane Burrows to G.H. Long, M.L. Orlowsky, and H.J. Lees	February 29, 1984	"Younger adult smokers have been the critical factor in the growth and decline of every major brand and company over the last 50 years. They will continue to be just as important to brands/companies in the future for two simple reasons: The renewal of the market stems almost entirely from 18-year-old smokers. No more than 5% of smokers start after age 24. The brand loyalty of 18-year-old smokers far outweighs any tendency to switch with age." [emphasis in the original] (at 8108) "'First Brand' strategies appeal to 18-year-old smokers rather than switchers ages 19-24." (at 8112) There is considerably more in this document showing the focus on 18 year olds and the greater importance of 18 year olds than switchers. See summary page 8120 and prior three pages.

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U.S. Ex. 68,734	519191001-1006	Younger Adult Lifestyle Discussions with Outside Consultants	1984	"The seriousness of RJR's problem in the younger adult smoker segment is evident from share of smoker data, which shows the gap between Philip Morris and RJR share of 18-24 year old smokers to have doubled since 1979. Philip Morris captured a 58% share of 18-24 year old smokers in 1983, compared to RJR's share of 21% among the same age group." (at 1001) "Given the importance of younger adult smokers to recapturing RJR's leadership position within the industry, efforts are underway on a complete and comprehensive analysis of the younger adult smoker segment. Objectives of these efforts are to identify the key segments among younger adult smokers, as well as the motivations and lifestyle characteristics." (at 1001) Proposes setting up a discussion group among 'outside experts' who have been or are involved with marketing to or researching younger adults. Prompted by the slippage in RJR's share of the 18-24 year old market.
U.S. Ex. 49,017	502033156-3157	Strategies and Segments	April 13, 1984	Discusses an idea suggested by "Younger Adult Smoker Opportunity Analysis." "Attract a smoker at the earliest opportunity and let brand loyalty turn that smoker into a valuable asset." (at 3157)
U.S. Ex. 66,350	501893936-4129	Presentation: Marketing Workshop for Law Department	July 18, 1984	"Younger Adult smokers provide a 'First Brand' Advantage" "The steady influx of 18 year old smokers causes the pre-existing market to shrink in share value. Any brand which is underdeveloped among 18 year old smokers must achieve net switching gains just to break even." (at 3954) "'First brands' do not need switching gains to grow and can afford some switching losses. By capturing 50% of 18 year old smokers, Marlboro gained .8 share or smoker points in 1983 without need to attract a single brand switcher." (at 3954)

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U.S. Ex. 29,849	507542209-2280	Analysis of The Virile Segment	circa 1985	Largest segment, key to younger adult market. "A strategy to displace Marlboro as the FUBYAS [First Usual Brand Young Adult Smokers] brand leads to an appeal to a 'working class'/ 'present oriented' mindset." (at 2242)
U.S. Ex. 68,118	504605615-5626	Proposed Development and Evaluation of Young Adult Smoker Panel in One Test Market/City for On-Going Consumer Marketing; Advertising Research Utilization	August 1985	"RJR Marketing Development management has determined younger adult smokers (viz., 18 to 20 + years of age) to be a key marketing/positioning target for RJR …." (at 5616).
U.S. Ex. 68,171	505642018-2047	Research for Winston and Camel Alternative Advertising	August 30, 1985	Contrasts a "switching gains strategy" focused on 21-34 year olds and a "brand adoption strategy –directed toward 18-24 male competitive smokers." (at 2020) [If a switching gains strategy gets people to switch, then a brand adoption strategy must get people to start.]
U.S. Ex. 20,848	512679728-9807	Youth 1987 Prepared for RJR Macdonald Inc by the Creative Research Group	June 8, 1987	Surveyed young people in the following age categories: 15-17, 18-21, and 22-24. The focus of the study was on lifestyles and attitudes and smoking behavior. "The purpose of the research is to provide marketers and policymakers with an enriched understanding of the mores and motives of this important emerging adult segment which can be applied to better decision making in regard to products and programs directed at youth." (at 9734)
U.S. Ex. 51,714	513482841-2905	Input to the Long Term Strategic Plan for 1988-90	circa 1987	"RJR needs to improve performance among YAS in order to ensure it can continue to meet volume/earnings goals in the future." (at 2899)
U.S. Ex. 51,219	507531192-1258	Market Dynamics	1988	"Aging is the result of new 18 year old smokers replacing older smokers who quit." [emphasis in original] (at 1211) The chart shows that aging is far more important than brand switching. Aging "explains about 75% of all movement in SOM." (at 1212)

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U.S. Ex. 68,427	516411608-1846	Consumer Research Summaries Annual Report	1988	Summarizes research done by the company in countries around the world. A study in Canada was designed to see if the advertising used in the U.S. could be used in Canada. "The motorcycle and especially the dragster struck many as being directed to young (i.e., teens) males." (at 1652)
U.S. Ex. 68,240	507194783-4815	R. J. Reynolds Tobacco Company Hispanic Focus Group Research Hispanic Agencies' Creative Exploratory. Final Report	October, 1988	Six groups in L.A. with 18-24 year old males, 60% of whom were 18-20. (at 4785)
U.S. Ex. 68,939	507194846-4878	R. J. Reynolds Tobacco Company Hispanic Focus Group Research Los Angeles Creative Exploratory for Winston, Camel, Magna, and Salem. Final Report	November 1988	Six focus groups done in L.A. with 18-20 year old males. (at 4847)
U.S. Ex. 68,248	507197996-8052	R. J. Reynolds Tobacco Company Hispanic Focus Group Research Creative Exploratory in Houston March 15-16, 1989.	April 1989	Five groups, two with 18-20 year olds and three with 21-26 year olds (primarily 21-24 year olds) (at 7998)
U.S. Ex. 66,468	507205654-5677	Consumer Research Report: Share of Smoker and Purchase Pattern Behavior Among Younger Adult 18-20 and 21-24 Smokers	April 27, 1989	Includes data on brand share for each company among the 18-20 & 21-24 year olds. (at 5656)
U.S. Ex. 51,177	507364504-4504	memo	October 9, 1989	"Not everyone over the age of 16 smokes cigarettes. Not everyone who smokes, smokes Reynolds brands. However, almost everyone over the age of 16 owns or operates some type of motor vehicle." (at 4504) Suggests marketing tie in with a major oil company, where coupons are given with RJR brands that can be used to purchase gasoline. (at 5404) "This savings would benefit young people with part time jobs …." (at 4504)

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U.S. Exhibit 17,570

Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
U.S. Ex. 68,245	507252220-2226	Sales Research Report Management Summary Young Adult Smokers' Retail Shopping Patterns	December 18, 1989	The objective was to "Determine the relative importance of convenience outlets, supermarkets and all other retail outlets to the sale of cigarettes to younger adult smokers." (at 2221)
U.S. Ex. 68,310	509042462-2469	Advertising Research Proposal (BID #90-33201) Perception Tracking Study 1990 – Winston, Salem, Camel, Vantage and Magna	1990	Proposal to collect data on perceptions/awareness of ads for RJR cigarettes. (at 2464) Due to the focus on younger targets, the Camel sample will only sample from the 18-20 group (250) and the 21-24 group (250). (at 2464) NOTE: this oversamples the younger group.
U.S. Ex. 29,989	509160676-0679 Also 521895591-5594	Review of Age Categories Used to Evaluate Camel's Performance	February 25, 1991	"CAMEL is targeted toward an 18-24 year old male action standard…. The cost of obtaining 18-20 year old smokers for product tests is considerably higher than that for obtaining smokers from other age categories. While it has been well established that a smoker's age is related to the smoker's product perceptions, age differences in perceptions may be minimal for contiguous age groups." (at 0676)
U.S. Ex. 20,789	507798137-8230	U.S. Cigarette Market in the 1990's	June 21, 1990	"Cigarettes are the most brand loyal category in the U.S." (at 8141) "The category rarely attracts new users over age 24. The majority become regular smokers before age 18, but are 'new' to our 18+ market at age 18." (at 8142) "[A]ny brand which appeals to adult smokers 18-24 establishes a preemptive brand loyalty." (at 8142) "The combined effect of starting and quitting…." (at 8144) "Preemptive loyalty among adult smokers 18-24 is critical to long term business success." (at 8145)

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U.S. Ex. 74,367-U.S. Ex. 74,371	FTC0024136-4151	Presentation on RJR Smoker Trends and Brand Positioning Opportunities	July 16, 1990	"Fundamental Dynamics "Cigarettes most loyal brand category" "Longevity of brand usage –50% of smokers use only three brands in lifetime." "Decision to smoke … 66% of all new smokers by age 18." (at 4138) (Found at U.S. Exhibit 74367) "Implications for 90's: Preemptive loyalty among 18-24 year olds --Critical to long term brand vitality as consumption increases with age. --Net switching gains are difficult to obtain." (at 4139) (Found at U.S. Exhibit 74367)
U.S. Ex. 52,789	521895591-5594	Consumer Research Proposal (BID #91-13112) Review of Age Categories Used to Evaluate Camel's Performance	February 1991	Proposes that a wider age range could be sampled in their research since it is costly to recruit 18-20 year old samples. Proposes "to determine the best age category to use to minimize the use of 18-20 year old smokers while insuring accurate product guidance to the 18-24 year old target." (at 5591)
U.S. Ex. 68,353	509731790-1796	In-Store Advertising Effectiveness	October 15, 1991	Study to determine relative effectiveness of various locations in supermarkets and convenience stores for gaining consumer awareness. "The checkout area is clearly the most effective …." (at 1791)
U.S. Ex. 66,513	514502241-2262	Consumption. Ages 12-17. Un-Weighted	August 11, 1992	SAS printout of analysis of smoking variables among 11 to 19 year olds.

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Theme	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Enhancement of self-image—Self-confidence, achievement, success	U.S. Ex. 21,475	502987357-7368	Research Planning Memorandum on Some Thoughts About New Brands of Cigarettes for the Youth Market	February 2, 1973	Psychological effects that are listed as influence to/on the "pre-smoker." (at 7360) "Self-image enhancement…" at 7360
Enhancement of self-image—Self-confidence, achievement, success	U.S. Ex. 67,921	500574161-4170	Memo on "What causes smokers to select their first brand of cigarette?" From D. W. Tredennick of the Marketing Research Department	July 3, 1974	Examines age of initiation (12 & under to 25 & over), reason for initiation, brand selection . . . "Initial Reasons For Smoking: [bulleted]… "Support, to gain confidence or security in stress situations (often social)… "To show off" [emphasis in original] (this list at 4162) "Reasons for Selecting a First 'Usual' Brand: "The more closely a brand meets the psychological 'support' needs (advertising or otherwise communicated brand or user image) and the physiological needs (product characteristics), the more likely it is that a given brand will be selected" [emphasis in original] (at 4165) "Marlboro is often selected initially because …its advertising has consistently communicated a manly, tough confident user image and smoking characteristics consistent with this image. This image conforms closely with many young smokers need for 'support' in stressful situations." (at 4166) "Kool is often selected initially because its smoking characteristics make it appropriate for youths who feel that smoking a brand that is widely perceived as strong will satisfy their need for 'support.' (at 4166)

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Enhancement of self-image—Self-confidence, achievement, success	U.S. Ex. 67,921	500574161-4170 (Continued)	Memo on "What causes smokers to select their first brand of cigarette?" From D. W. Tredennick of the Marketing Research Department	July 3, 1974	"The main causes of initial brand selection, i.e., the influence of friends, the user image a brand projects and differentiated product characteristics, are logically related to the reasons a young person begins to smoke." (at 4166) "Many young smokers report that they first become regular smokers at a time when a major transition occurred in their life, such as going away to college or facing an educational or social crisis. These smokers frequently say that smoking at such times helps them to overcome stress either by bolstering their self-image (and how they are perceived by others), or physiologically, by relaxing or stimulating them." (at 4163)
Enhancement of self-image—Self-confidence, achievement, success	U.S. Ex. 66,323	501232617-2622	November NFO Market Structure, Switching and Demographic Profile Analysis	April 8, 1980	"Brands which differentiate/position themselves from other brands in a manner which better meets the product and/or imagery wants of the category's users …increase their potential…" [emphasis in original] (at 2619)
Enhancement of self-image—Self-confidence, achievement, success	U.S. Ex. 68,734	519191001-1006	Younger Adult Lifestyle Discussion with Outside Consultants	July 1984	"WHY and in WHAT WAY is each of the following an important issue to 18-24 year olds?... "Upward striving, achievement, success, prestige Search for confidence (Becoming an 'adult') [last phrases handwritten]" [emphasis in original] (at 1005).
Enhancement of self-image—Self-confidence, achievement, success	U.S. Ex. 66,350	501893936-4129	Presentation: Marketing Workshop for Law Department	July 18, 1984	"A benefit is the personal relevancy of a brand's image to a person's life…" (at 4031) "Benefits are the overlap between an individual's needs and the brand image." (at 4032) "Brand images can help individuals correct or reinforce things in their lives." (at 4036)

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Enhancement of self-image—Self-confidence, achievement, success	U.S. Ex. 68,422	516411324-1418	Consumer Research Studies Summary Report	January to June 1986	In Germany, "The imagery of Camel Trophy …stresses adventure, performance/success, masculinity and activity" (at 1366). In discussing replacing Bob Beck with one of five alternative models, the "action standard" is "Parity in terms of …competence and superiority in achievement, …" (at 1372).
Enhancement of self-image—Self-confidence, achievement, success	U.S. Ex. 68,426	516411419-1607	1987 Consumer Research Summaries Annual Report	1987	In Germany, "User imagery is similar: … self-confident…" (at 1535).
Enhancement of self-image—Self-confidence, achievement, success	U.S. Ex. 51,219	507531192-1258	Market Dynamics	1988	"In order to maximize a brand's longer term performance, marketing activities should be used to: 1. Create a clear brand family image or personality that relates to its most important consumer benefit." 507531192- 1258 (at 1233)
Enhancement of self-image—Self-confidence, achievement, success	U.S. Ex. 68,240	507194783-4815	R.J. Reynolds Tobacco Company Hispanic Focus Group Research Hispanic Agencies' Creative Exploratory. Final Report	October 1988	It was concluded that ego building was important: "…the sense of being <u>in control</u> and/or the sense of <u>mastery</u> over a number of areas… the sense of being able to deal <u>competently</u> with life, e.g., having a good job …." [emphasis in original] (at 4788). Marlboro "Reinforces the macho aspects, sense of mastery and strength…" (at 4800)

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Enhancement of self-image—Self-confidence, achievement, success	U.S. Ex. 68,939	507194846-4878	R.J. Reynolds Tobacco Company Hispanic Focus Group Research Los Angeles Creative Exploratory for Winston, Camel, Magna, and Salem Final Report	November 1988	Six focus groups done in L.A. with 18-20 year old males. Listed attributes that contribute to a person being classified as "Cool:" The list includes: • Valid accomplishments and/or genuinely talented • Fame and money • Being in style, not old fashioned or passe… • A confident and in-control attitude (all at 4870)
Enhancement of self-image—Self-confidence, achievement, success	U.S. Ex. 24,247	506867945-7957	Impact of Promotions on Brand Perceptions	March 6, 1989	"…cigarette promotions can have a very positive impact on the brand's positioning, user imagery and overall image." (at 7946)
Enhancement of self-image—Self-confidence, achievement, success	U.S. Ex. 71,103	513829123-9294	R. J. Reynolds Market Study Mindset Attitude, and Usage Qualitative Research Volume II Supplementary Findings	November 26, 1990	a) Huge report on the psychological characteristics and concerns of young men and women. b) Provides perceptions of the users of various brands. c) "Contemporary Camel Mindset: • Self-confident" (at 9260) • Optimistic, 'Camel makes me think of being rich, content, and successful'" (at 9261)
Enhancement of self-image—Self-confidence, achievement, success			Deposition of Lynn J. Beasley, President and Chief Operating Officer	June 25, 2002	"…if you create an image that is not acceptable among the group that that person associates with, then you're not likely to have them switch. So you want to be sure the image you create is not only acceptable to the individual but to the larger group that they associate with." (at 151-152)

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Popularity, peer group acceptance, conformity	U.S. Ex. 21,475	502987357-7368	Research Planning Memorandum on Some Thoughts About New Brands of Cigarettes for the Youth Market.	February 2, 1973	Psychological effects that are listed as influence on the "pre-smoker": "Group identification… Identification with valued persons…" (at 7360)
Popularity, peer group acceptance, conformity	U.S. Ex. 67,921	500574161-4170	Memo on "What causes smokers to select their first brand of cigarette?" From D. W. Tredennick of the Marketing Research Department	July 3, 1974	Examines age of initiation (12 & under to 25 & over), reason for initiation, brand selection . . . Initial reasons for smoking: [bulleted] "conformance… Conformance: "Men, particularly, report that … they took up smoking because they wanted to impress and be accepted by other young men who smoked. Often the motivation is to be less the target of group aggression. Smoking is often a way to gain entrée to a group by effecting an appearance of being mature, sophisticated, sexy or manly" (at 4162)
Popularity, peer group acceptance, conformity	U.S. Ex. 67,997	502420391-0394	Early Warning System Input - Reasons for Smoking, Initial Brand Selection, and Brand Switching	October 25, 1976	"The purpose of this memo is to provide the Early Warning System Task Force with a summary of key findings from MRD investigations into the questions of: What causes smokers to (1) start smoking; (2) select their first brand of cigarettes…" "Initial reasons for smoking: Conformance— Probably strongest reason for smoking is influence of close friends or peers. …Influence strongest during teen years. Men think smoking symbolic of rugged masculinity—helps impress and gain respect of other men. Also felt to lessen being target of group aggression and gain entry into a group by appearing mature, sophisticated, sexy, or many." (at 0391)

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Popularity, peer group acceptance, conformity	U.S. Ex. 48,844	501380878-0889	Share of Smokers by Age Group	October 31, 1977	Notes that younger smokers (14-18) are influenced by fads and peer pressure. (at 0878)
Popularity, peer group acceptance, conformity	U.S. Ex. 21,566	500686301-6313	Younger Adult Smokers	October 23, 1980	Kay Duffy's response to Steve Perry's analysis of younger adult smokers. She cites REAL as a new brand targeting males 18-24 and she doesn't believe a brand needs 10% share of younger smokers to "generate acceptability through peer group pressure." (at 6301)
Popularity, peer group acceptance, conformity	U.S. Ex. 68,734	519191001-1006	Younger Adult Lifestyle Discussion with Outside Consultants	July 1984	"WHY and in WHAT WAY is each of the following an important issue to 18-24 year olds? • Belonging, fitting in • Sociability…" [emphasis in original] (at 1005)
Popularity, peer group acceptance, conformity	U.S. Ex. 52,223	518488105-8198	Younger Adult Smokers: Strategies and Opportunities	February 29, 1984	"Marlboro's key imagery was not masculinity, it was younger adult identity/belonging …"[emphasis in original] (at 8134). "Marlboro has the 'bandwagon effect' still going for it" (at 8134)
Popularity, peer group acceptance, conformity	U.S. Ex. 68,427	516411608-1846	Consumer Research Summaries Annual Report	1988	In Singapore, "…Salem's popularity will feed upon itself—new smokers would be attracted to Salem because of its taste, popularity and modern image." (at 1845)
Popularity, peer group acceptance, conformity	U.S. Ex. 68,240	507194783-4815	R.J. Reynolds Tobacco Company Hispanic Focus Group Research Hispanic Agencies' Creative Exploratory. Final Report	October 1988	"Marlboro is probably 'THE' YAHS brand because of peer acceptance." (at 4791)

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Popularity, peer group acceptance, conformity	U.S. Ex. 71,103	513829122-9294	R. J. Reynolds Market Study Mindset Attitude, and Usage Qualitative Research Volume II Supplementary Findings	November 26, 1990	Under "Marlboro Mindset" heading, "Peer acceptance" was listed. (at 9269)
Popularity, peer group acceptance, conformity			Deposition of Lynn J. Beasley, President and Chief Operating Officer	June 25, 2002	"What it's saying is that –and it says it right here, 'Specifically advertising will be developed with the objective of convincing target smokers that by selecting CAMEL as their usual brand, they will project an image that will enhance their acceptance…' That's the exact concept that I just explained to you that--- "So specifically you're trying to create an image for Camel that will …be accepted not rejected by the larger group. ….you need to create an image for a brand that the larger group the individual associates with will accept, not reject." (page 154) "…so you want to create an image for Camel…that if they choose it as their usual brand, they will project an image that will enhance their acceptance, be accepted by the larger group, not rejected." (at 155)
Independence, Autonomy, or Maturity	U.S. Ex. 67,940	500837415-7423	Two Focussed (sic) Group Sessions to Explore Attitudes Toward Smoking & Cigarette Brands/Advertising. Women 18-24; Women 25-34.	November 1983	"Beyond the easily recognized pressure of peers, women smoke to indicate passage into adulthood …" (at 7417)

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Popularity, peer group acceptance, conformity	U.S. Ex. 68,734	519191001-1006	Younger Adult Lifestyle Discussion with Outside Consultants	July 1984	"WHY and in WHAT WAY is each of the following an important issue to 18-24 year olds? • A sense of powerlessness • Individuality • Freedom, independence…" [emphasis in original] (at 1005)
Popularity, peer group acceptance, conformity	U.S. Ex. 52,223	518488105-8198	Younger Adult Smokers: Strategies and Opportunities	February 29, 1984	"Marlboro's positioning was in tune with younger adult smokers' enduring want to express their maturity and independence through smoking. (The Marlboro cowboy is always shown as mature, even older man)" (at 8131)
Popularity, peer group acceptance, conformity	U.S. Ex. 68,422	516411324-1418	Consumer Research Studies Summary Report	January to June 1986	In Germany, brand positioning is described as "communicating freedom…" (at 1370)
Popularity, peer group acceptance, conformity	U.S. Ex. 68,426	516411419-1607	1987 Consumer Research Summaries Annual Report	1987	Also in Germany, "…Psychological dimensions expressed more strongly by 'Skate' are enjoyment, freedom, …and individualism,…" (at 1535)
Popularity, peer group acceptance, conformity	U.S. Ex. 68,428	516411847-2071	1989 Consumer Research Summaries Annual Report	1989	In the Canary Islands, "Camel has a[n] … independent user image" (at 1885). "Generally, Camel smokers like a[n] …independent… user image" (at 1885). In Spain, "The new commercials should communicate the Camel brand positioning statement of evoking … independence and smoking satisfaction" (at 1907)
Sex appeal, interest in sex	U.S. Ex. 68,426	516411419-1607	1987 Consumer Research Summaries Annual Report	1987	In Germany, "User imagery is similar….Psychological dimensions expressed more strongly by . . . [the ad] 'Phone' [are] eroticism, romanticism …" (at 1535)

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Sex appeal, interest in sex	U.S. Ex. 20,774	507241613-1838	Camel Y&R Orientation	September 19, 1988	Personality Quality Wants include: romantic. (at 1728) Under guidelines for effective marketing, they present: Hot Buttons: … romanticism, and sex" (At 1739)
Sex appeal, interest in sex	U.S. Ex. 68,240	507194783-4815	R.J. Reynolds Tobacco Company Hispanic Focus Group Research Hispanic Agencies' Creative Exploratory Final Report	October 1988	It was concluded that ego building was important: " the sense of being <u>in control</u> and/or the sense of <u>mastery</u> over a number of areas; …<u>female affirmation</u> and being seen as successful with women; recognition of his sexual capacities; the sense of being able to deal <u>competently</u> with life, e.g., having a good job …." [emphasis in original] (at 4788)
Sex appeal, interest in sex	U.S. Ex. 68,939	507194846-4878	R.J. Reynolds Tobacco Company Hispanic Focus Group Research Los Angeles Creative Exploratory for Winston, Camel, Magna, and Salem Final Report	November 1988	Six focus groups done in L.A. with 18-20 year old males. Listed attributes that contribute to a person being classified as "Cool:" The list includes: • The ability to attract women and romance (at 4870)
Masculinity, toughness, ruggedness	U.S. Ex. 67,921	500574161-4170	Memo on "What causes smokers to select their first brand of cigarette?"	July 3, 1974	"Marlboro is often selected initially because …its advertising has consistently communicated a manly, tough confident user image and smoking characteristics consistent with this image. This image conforms closely with many young smokers need for 'support' in stressful situations." (at 4166)
Masculinity, toughness, ruggedness	U.S. Ex. 67,963	501850001-0084	Market Research Report SB "Fisherman II" and "Hidden Camera II" Placement Recall Tests	April 30, 1979	Want to appeal to younger adult male smokers without alienating women. "… desired image perceptions for the brand [are] 'masculine, young adult, contemporary.'" (at 0053)

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Masculinity, toughness, ruggedness	U.S. Ex. 66,323	501232617-2622	November NFO Market Structure, Switching and Demographic Profile Analysis	April 8, 1980	A pro for Camel is that it "has a strong male image…" (at 2621)
Masculinity, toughness, ruggedness	U.S. Ex. 52,223	518488105-8198	Younger Adult Smokers: Strategies and Opportunities	February 29, 1984	"Marlboro: The 'Baby Bubble' Brand" "…Marlboro's masculine positioning was originally directed at the nonfilter market…" (at 8131)
Masculinity, toughness, ruggedness	U.S. Ex. 68,422	516411324-1418	Consumer Research Studies Summary Report	January to June 1986	Regarding ads in Canada on Export A: "The central characters depicted in those visuals project a masculine independence that lends itself well to the image of Export "A" and it is likely that the target market would have little difficulty associating the characters with the brand." (at 1348). In Germany, "The imagery of Camel Trophy …stresses … masculinity …" (at 1366). Also in Germany, brand positioning is described as "communicating … masculinity…" (at 1370) In discussing replacing Bob Beck with one of five alternative models, the "action standard" is "Parity in terms of overall … masculinity …" (at 1372).
Masculinity, toughness, ruggedness	U.S. Ex. 68,426	516411419-1607	1987 Consumer Research Summaries Annual Report	1987	In Germany, "User imagery is similar: male….Psychological dimensions expressed more strongly by 'Skate' are …virility …" (at 1535)

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Masculinity, toughness, ruggedness	U.S. Ex. 68,240	507194783-4815	R.J. Reynolds Tobacco Company Hispanic Focus Group Research Hispanic Agencies' Creative Exploratory. Final Report	October 1988	It was concluded that ego building was important: " the sense of being in control and/or the sense of mastery over a number of areas; peer acceptance and recognition; 'macho' aspects of being a 'real man,' e.g., strength, leadership; female affirmation and being seen as successful with women; recognition of his sexual capacities; the sense of being able to deal competently with life, e.g., having a good job …." [emphasis in original] (at 4788). Marlboro "reinforces the macho aspects, sense of mastery and strength, and ability to own 'masculine' types of power toys….represents being grown up." [emphasis in original] (at 4800)
Masculinity, toughness, ruggedness	U.S. Ex. 68,939	507194846-4878	R.J. Reynolds Tobacco Company Hispanic Focus Group Research Los Angeles Creative Exploratory for Winston, Camel, Magna, and Salem. Final Report	November 1988	Six focus groups done in L.A. with 18-20 year old males. Listed attributes that contribute to a person being classified as "Cool:" The list includes: "Masculine or rugged looks, (not a pretty boy or a 'pin-up type for women.'" (at 4870)
Masculinity, toughness, ruggedness	U.S. Ex. 68,428	516411847-2071	1989 Consumer Research Summaries Annual Report	1989	In the Canary Islands, "Camel has a male…user image" (at 1885). "Generally, Camel smokers like a male…user image" (at 1885). In Spain, "The new commercials should communicate the Camel brand positioning statement of evoking masculinity…" (at 1907)

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Theme	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Masculinity, toughness, ruggedness	U.S. Ex. 71,103	513829123-9294	R. J. Reynolds Market Study Mindset Attitude, and Usage Qualitative Research Volume II Supplementary Findings	November 26, 1990	a) Huge report on the psychological characteristics and concerns of young men and women. b) Provides perceptions of the users of various brands. c) "Contemporary Camel Mindset:. . . • Strong masculinity" (at 9260) "Marlboro Mindset:. . . • Macho male, 'a jock type.' • Traditional masculine roles and attitudes… • Rugged, strong… • Action-oriented… • Assertive" (at 9269) "Respondents relate to the masculinity and poise of the traditional Marlboro Man" (at 9274)
Masculinity, toughness, ruggedness			Deposition of Lynn J. Beasley, President and Chief Operating Officer	June 25, 2002	"And you see that this document talks about masculinity. So if you had an image for Camel that isn't masculine, and masculinity is an important want not only to the individual but to the larger group—so that's the example if you showed up with Virginia Slims. The people you associate with are going to reject that choice. So specifically you're trying to create an image for Camel that will …be accepted not rejected by the larger group…" (page 154)
Relief of stress or boredom	U.S. Ex. 21,475	502987357-7368	Research Planning Memorandum on Some Thoughts About New Brands of Cigarettes for the Youth Market	February 2, 1973	Psychological effects that are listed as influencing the "pre-smoker." "Stress and boredom relief…" (at 7360)

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Relief of stress or boredom	U.S. Ex. 67,921	500574161-4170	Memo on "What causes smokers to select their first brand of cigarette?"	July 3, 1974	Smokers "frequently say that smoking at such times helps them to overcome stress either by bolstering their self-image (and how they are perceived by others), or physiologically, by relaxing or stimulating them." (at 4163)
Relief of stress or boredom	U.S. Ex. 68,240	507194783-4815	R.J. Reynolds Tobacco Company Hispanic Focus Group Research Hispanic Agencies' Creative Exploratory Final Report	October 1988	Relief from burden also mentioned—including time off and relaxation were mentioned as important to this group. (at 4788)
Relief of stress or boredom	U.S. Ex. 71,103	513829123-9294	R. J. Reynolds Market Study Mindset Attitude, and Usage Qualitative Research Volume II Supplementary Findings	November 26, 1990	"The outdoor background in Marlboro ads is calm and serene, and complements the active, rugged, macho image of the Marlboro Man." (at 9277)
Relief of stress or boredom	U.S. Ex. 68,880	524254477-4879	1993 Work Plan	1993	Regarding Salem's "Escape to the FreshSide," "All icons symbolize stress-free escapism, or a way to have fun and lighten up" [emphasis in original] (at 4543)
Adventurousness, daring, sensation seeking, risk taking, excitement	U.S. Ex. 68,422	516411324-1418	Consumer Research Studies Summary Report	January to June 1986	In Germany, "The imagery of Camel Trophy …stresses adventure…(at 1366). Also in Germany, brand positioning is described as "communicating … adventure…" (at 1370)
Adventurousness, daring, sensation seeking, risk taking, excitement	U.S. Ex. 20,774	507241613-1838	Camel Y&R Orientation	September 19, 1988	Personality Quality Wants include: adventurous, risk taker, exciting, rugged, streetwise… (at 1728) Under guidelines for effective marketing to younger adult smokers, they present: Hot Buttons: Excitement (at 1739)

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Demonstrative 17: Documents Regarding R. J. Reynolds' Knowledge of Factors Influencing Adolescents to Smoke
U.S. Exhibit 17,571

Theme	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Adventurousness, daring, sensation seeking, risk taking, excitement	U.S. Ex. 68,939	507194846-4878	R.J. Reynolds Tobacco Company Hispanic Focus Group Research Los Angeles Creative Exploratory for Winston, Camel, Magna, and Salem. Final Report	November 1988	Six focus groups done in L.A. with 18-20 year old males. Listed attributes that contribute to a person being classified as "Cool:" The list includes: • "Being a risk taker and not afraid .. A sense of action and adventure" (all at 4870)
Adventurousness, daring, sensation seeking, risk taking, excitement	U.S. Ex. 68,428	516411847-2071	1989 Consumer Research Summaries Annual Report	1989	In the Canary Islands, "Camel has a[n] … adventurous, independent, young, active … user image." (at 1885). "Generally, Camel smokers like a … young, active, happy, modern, adventurous … user image.": (at 1885) In Spain, "The new commercials should communicate the Camel brand positioning statement of evoking … adventure, self-confidence …" (at 1907)
Adventurousness, daring, sensation seeking, risk taking, excitement	U.S. Ex. 20,789	507798137-8230	U.S. Cigarette Market in the 1990's	June 21, 1990	Discusses stress, need for excitement and sensation, liking to take risk, as factors influencing smoking (at 8189)
Adventurousness, daring, sensation seeking, risk taking, excitement	U.S. Ex. 74,370	YRFM00358-0365	Presentation on RJR Smoker Trends and Brand Positioning Opportunities	July 16, 1990	"Psychographics: -Under stress; - Seek excitement/sensation; -Like to take risks; --Do on the spur of the moment; Like to be outrageous/unconventional" (at 0363)

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Demonstrative 17: Documents Regarding R. J. Reynolds' Knowledge of Factors Influencing Adolescents to Smoke
U.S. Exhibit 17,571

Theme	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Adventurousness, daring, sensation seeking, risk taking, excitement	U.S. Ex. 71,103	513829123-9294	R. J. Reynolds Market Study Mindset Attitude, and Usage Qualitative Research Volume II Supplementary Findings	November 26, 1990	a) Huge report on the psychological characteristics and concerns of young men and women. b) Provides perceptions of the users of various brands. c) "Contemporary Camel Mindset:. . . • Exciting • Pizzazz • Adventuresome • Active" (at 9260)
Sports	U.S. Ex. 20,654	500863242-3272	13-30 Corporation. R..J. Reynolds Session. June 29, 1983. The Cloister, Sea Island, Georgia	June 29, 1983	Brainstorming materials on RJR media for convenience stores. "Additional Ideas to Personal Youth Analogy " Some of the ideas include game or contest with a weekly winner. "Could be video game –high school sports quiz." (at 3269).
Sports	U.S. Ex. 68,426	516411419-1607	1987 Consumer Research Summaries Annual Report	1987	In Germany, "User Imagery is similar: sporty …" (at 1535).
Sports	U.S. Ex. 68,264	507407399-7426	Sports Marketing Efforts Evaluation and Recommendation	August 10, 1990	"Sporting events are very effective….in delivering positive perceptions because of the association of the brand with the sport." (at 7425)
Rebellion, Irreverence	U.S. Ex. 67,921	500574161-4170	Memo on "What causes smokers to select their first brand of cigarette?" From D. W. Tredennick of the Marketing Research Department	July 3, 1974	Examines age of initiation (12 & under to 25 & over), reason for initiation, brand selection . . . "In addition, two less prevalent reasons are to rebel against authority…or to satisfy a 'habit' which is developed from occasional smoking." (at 4162).

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Demonstrative 17: Documents Regarding R. J. Reynolds' Knowledge of Factors Influencing Adolescents to Smoke
U.S. Exhibit 17,571

Theme	Exhibit Number	Bates Number	Document Title	Document Date	Quote or Example
Rebellion, Irreverence	U.S. Ex. 67,997	502420391-0394	Early Warning System Input - Reasons for Smoking, Initial Brand Selection, and Brand Switching	October 25, 1976	This memo is about brand performance and relates findings as to why smokers begin smoking, what influences initial brand selection, and why smokers switch brands. Initial reasons for smoking include "to show off, " and "Rebellion against authority" (at 0392)
Rebellion, Irreverence	U.S. Ex. 67,940	500837415-7423	Two Focussed (sic) Group Sessions to Explore Attitudes Toward Smoking & Cigarette Brands/Advertising. Women 18-24; Women 25-34	November 1983	"Beyond the easily recognized pressure of peers, women smoke …, as part of this transitional period, to exhibit anti-authoritarian behavior: …" (at 7417).
Rebellion, Irreverence	U.S. Ex. 20,789	507798137-8230	U.S. Cigarette Market in the 1990's	June 21, 1990	Discusses stress, need for being outrageous/unconventional as factors influencing smoking (at 8189) Regarding Camel: Indicates that irreverence/less seriousness is growing trend that will help Camel. Notes Camel's "significant share of smoker growth among adult smokers (18-24) the demographic group within which the irreverence trend is most concentrated" (at 8209).
Rebellion, Irreverence	U.S. Ex. 74,370	YRFM00358-0365	Presentation on RJR Smoker Trends and Brand Positioning Opportunities	July 16, 1990	Indicates that those most likely to smoke are "Punkers" and "Burnouts." (at 0361) "Irreverent – currently represents 14% of smokers." (at 0362)

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Demonstrative 18: Themes in the Bob Beck Campaign That Appeal to Adolescents
U.S. Exhibit 17,572

Image	Exhibit	Bates #	Document Title	Doc. Date	Quote
Independence—lives by own set of rules	U.S. Ex. 50,375	503447570-7639	1984 Camel Marketing Plan Presentation	July 27, 1983	"Camel must be viewed as the brand for the younger adult smoker who wants to attain an image of being independent, adventurous, masculine and who desires an exciting, pleasure-oriented lifestyle." (at 7574).
Independence—lives by own set of rules	U.S. Ex. 68,358 U.S. Ex. 68,359	512544519-4527 512544528-4537	Winston/Camel Pack Action Study, April - August, 1988 Results Camel Advertising Development "White Paper"	November 18, 1988 Circa 1986	"CAMEL's current existing market image…includes aspects that are highly consistent with the wants of younger adult males, and have a strong fit with what Camel has always stood for, including: independence, doesn't follow the crowd, lives by own set of rules, stands up for beliefs, not afraid to express individuality, enjoys being different, won't settle for ordinary." (at 4532).
Masculine, rugged, adventurous	U.S. Ex. 68,164	505253267-3275	Camel World Campaign Evolution Agenda	1985	"Beck is a ruggedly masculine, independent, unemotional adventurer depicted in an exotic locale." (at 3273).
Masculine, rugged, adventurous	U.S. Ex. 89,199	500695537-5569	Camel Lights Hard Pack: 1980 West Coast Expansion Business Plan Overview	1980	"…the 'HARD PACK' smoker is seen as being as young, as contemporary and more rugged, more blue collar than the 'Box' smoker" (at 5547).
Masculine, rugged, adventurous	U.S. Ex. 51,279	507845383-5386	R.J. Reynolds Tobacco Company Press Release	April 10, 1981	"…a series of rugged, adventurous trips called Camel Expeditions…" (at 5384).
Masculine, rugged, adventurous	U.S. Ex. 67,897	500144029-4048	Camel Family (Lights) Day-After-Recall Test "Chimney"	May 11, 1981	"…the majority of respondents cited the ad as depicting a rugged, independent, self-confident, masculine individual in a quest for recreation." (at 4032).
Masculine, rugged, adventurous	U.S. Ex. 68,062	503412640-2659	Camel "Log/Bridge/ Sunset" DAR "Free Ride" Final Report	September 20, 1982	"CAMEL's 'Log/Bridge/Sunset' ad proved to be successful…in communicating CAMEL's adventurous, masculine user imagery." (at 2645). "…the user imagery communicated by [the ad] closely follows the objectives of CAMEL's copy strategy and, in addition, matches previous findings from focus group research." (at 2645).

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Masculine, rugged, adventurous	U.S. Ex. 68,369	513624899-4960	Marketing Research Report, Summary of Advertising Evaluation Camel "World" Campaign	January 18, 1983	"The CAMEL World Campaign has been designed to address primarily these psychological wants for masculinity reinforcement and the associated concepts of adventure, ruggedness, etc." (at 4902).
Masculine, rugged, adventurous	U.S. Ex. 50,398	503455432-5554	The Camel Brand Image	May 1983	"Camel is imbued with an almost indisputable masculinity." (at 5442).
Masculine, rugged, adventurous	U.S. Ex. 68,167	505310128-0185	A Qualitative Study on Settings: Camel Filters and Camel Lights	March 22, 1984	"He's a rough, rugged, masculine loner who likes being outdoors away from civilization. He's opinionated and intolerant, but also quiet, pensive, and intelligent. He likes adventure, and his work—as a geologist, archeologist, or photographer—allows him to find it in remote parts of the globe." (at 0136-0137).
Masculine, rugged, adventurous	U.S. Ex. 67,899	500145430-5450	Market Research Report, Camel Filters Hard Pack Introductory Performance: Report VI	February 23, 1983	"In terms of user imagery, perceptions of the CAMEL…user are similar [to Lucky Strikes Filters user] on likeability, independence, ruggedness…and perceived to be somewhat younger and more active…" (at 5437).
Masculine, rugged, adventurous	U.S. Ex. 68,069	503415894-5970	Camel Business Analysis	August 25, 1983	"The overall strategy will continue to be aimed at: 1) Implementing programs which satisfy the target smoker's want for psychological reinforcement of his masculine, independent and adventurous image." (at 5897).
Masculine, rugged, adventurous	U.S. Ex. 68,124	504610096-0167	Camel 1985 Annual Marketing Plan X: Advertising	September 7, 1984	"CAMEL imagery will convey an attitude of masculinity, adventure and independence, and serve as a statement of self-confidence." (at 0113).
Masculine, rugged, adventurous	U.S. Ex. 51,124	507112964-0921	Camel Promotion Concepts	May 17, 1985	Proposes to develop the Camel Adventure Team concept and to create a catalogue of adventure items.

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Image	Exhibit	Bates #	Document Title	Doc. Date	Quote
Masculine, rugged, adventurous	U.S. Ex. 79,096	503969238-9242	Camel New Advertising Campaign Development	March 12, 1986	"…to leverage positive and distinctive aspects of CAMEL's product/user heritage including…2) masculinity and 3) non-conformist, self-confident user perceptions" (at 9238). "Reinforcement of masculinity is an important want among a large percentage of males and this is particularly true among less educated and younger adult males (i.e., Camel's prime prospect)." (at 9240).
Masculine, rugged, adventurous	U.S. Ex. 89,200	506869076-9078	Memo regarding Camel "Posters" Campaign	March 4, 1987	Masculinity was a clear feature of the image achieved by this campaign.
Masculine, rugged, adventurous	U.S. Ex. 68,186	506860362-0422	Camel New Campaign Advertising Test	December, 1986	This test evaluated the campaign on dimensions including adventurous/ bold/daring, macho, masculine/manly/not for women, exciting, rugged, rough/tough.
Excitement, fun, danger	U.S. Ex. 68,176	505916080-6087	Camel Advertising Research Overall Conclusions/Implications	1987	Share a New Adventure [variant of Bob Beck campaign] "is particularly entertaining to target smokers and provides a 'fantasy' world of danger/excitement" (at 6080).
Excitement, fun, danger	U.S. Ex. 68,119	504606983 7007	Marketing Research Report, Camel: Younger Adult Smokers	January 18, 1985	"The wants of this group tend to be somewhat more extreme compared to their peers and could be satisfied by CAMEL….Specifically, CAMEL would help out as a prop or symbol of belonging to a special class or group which is different from other peer groups." (at 6988). "Overall, CAMEL is excellently positioned to appeal to FUBYAS who want to project themselves as being different from the crowd because they seek the ultimate in adventure and excitement." (at 6988).

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Demonstrative 18: Themes in the Bob Beck Campaign That Appeal to Adolescents
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Image	Exhibit	Bates #	Document Title	Doc. Date	Quote
Popular, admired, respected, liked by peers, member of the in-group	U.S. Ex. 68,730	500695490-5534; 519190996	Camel Lights Hard Pack 1980 Test Market Business Plan Overview; and memo from Moore to Glover, Hall, and Long.	November 14, 1980	"CAMEL LIGHTS HARD PACK should also be perceived as a brand smoked by a young (18-34), contemporary man who is liked and respected by his peers because he is independent, confident and desires the most out of life." (at 5499).
Popular, admired, respected, liked by peers, member of the in-group	U.S. Ex. 68,167	505310128-0185	A Qualitative Study on Settings: Camel Filters and Camel Lights	March 22, 1984	"…easier to talk to, enjoying himself more, closer to people, more appealing to women, younger, more relaxed, and generally easier to relate to." (at 0137)
Popular, admired, respected, liked by peers, member of the in-group	U.S. Ex. 68,164	505253267-3275	Camel World Campaign Evolution Agenda	1985	"Beck is leader of a planned expedition. He is sharing an exciting enjoyable adventure in an exotic locale with two younger male companions." (at 3273)
Popular, admired, respected, liked by peers, member of the in-group	U.S. Ex. 68,408	514348455-8501	Camel Research Overview of Younger Adult Smokers	Circa 1985	"The advertising will position CAMEL as an authentic brand for smokers who are admired and respected by their peers because their attitudes and lifestyles distinguish them as individuals who have their own identity and make their own decisions." (at 8477, emphasis in the original).
Popular, admired, respected, liked by peers, member of the in-group	U.S. Ex. 68,168	505319520-9561	Camel Advertising Presentation	October 10, 1985	"Camel holds a potentially leverageable position among 18-20 year olds (FUBYAS)." (at 9530) Because Marlboro is so popular in the peer group, the effort will be to position Camel users as "…nonconforming younger adult smokers who are at the cutting edge of an in-group." (at 9552)

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Popular, admired, respected, liked by peers, member of the in-group	U.S. Ex. 20,725	503969238-9242	CAMEL New Advertising Campaign Development	March 12, 1986	"Overall, Camel advertising will be directed toward using peer acceptance/influence to provide the motivation for target smokers to select CAMEL. Specifically, advertising will be developed with the objective of convincing target smokers that by selecting CAMEL as their usual brand they will project an image that will enhance their acceptance among their peers." (at 9238) One strategic direction will "address target smokers' desire to project an image that elevates them in the eyes of their peers." (at 9239). The psychological motivation is "Aspiration to an image which will make target smokers cool/accepted by their peers." (at 9241). The rationale is that "Aspiration to be perceived as cool/a member of the in-group is one of the strongest influences affecting the behavior of younger adult smokers." (at 9241)
Popular, admired, respected, liked by peers, member of the in-group	U.S. Ex. 68,186	506860362-0422	Camel New Campaign Advertising Test	December 1986	Compares Camel with an ideal and the effects of an ad on "respect" and "admire."
Popular, admired, respected, liked by peers, member of the in-group	U.S. Ex. 68,176	505916080-6087	Camel Advertising Research: Overall Conclusions/ Implications	1987	'Hanging Out' did better than Marlboro's advertising "…on several of the target's most important dimensions (friend of mine, having a good time, in-group, respected by his friends, exciting to be with)…" (at 6081)
Youthful	U.S. Ex. 71,121	503414381-4431 Alternative Bates # 80M00020-80M00080	Marketing Research Report, Camel Family Positioning Strategy	January 15, 1980	Compared with Camel Lights, Marlboro Lights are "better able to attract younger smokers due to its more youthful and modern image" (at 4414)

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Image	Exhibit	Bates #	Document Title	Doc. Date	Quote
Cars	U.S. Ex. 68,168	505319520-9561	Camel Advertising Presentation	October 10, 1985	Their target audience defines success to include wanting their "own set of wheels" (at 9538)

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Demonstrative 19: Images and Themes in the Joe Camel Campaign That Appeal to Adolescents
U.S. Exhibit 17,573

Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
Popular, admired, member of the peer group	U.S. Ex. 68,384	513846614-6712	"Heroic Camel" Advertising Test	March 1988	Heroic Camel did better than Bob Beck on image of the Camel smoker, including adventurous, attractive with women, cool people smoke Camel. "The Heroic Camel has a more fun personality, is more a part of a group and is more of a younger adult smoker (at 6628) Additional images conveyed by the Heroic camel: "…coolly self-confident,…friendly, helpful, a nice guy…" (at 6630)
Popular, admired, member of the peer group	U.S. Ex. 20,774	507241613-1838	Camel Y&R Orientation	September 19, 1988	Reviews data on how the "heroic Camel" outperformed Bob Beck and the Winston and Salem campaigns Heroic Camel outperformed Bob Beck on the following user attributes: Someone I'd like to know; Has a lot of personality; Knows how to have fun. (at 1791)
Popular, admired, member of the peer group	U.S. Ex. 66,559	521891942-1947	Marketing Research Report: "Heroic Camel" Advertising Focus Groups	October 14, 1988	Words used to describe Heroic Camel: cool, sophisticated, ladies man, together, unique, well-liked, adventurous, approachable, worldly, independent, brave, debonair, self-made, suave, stud, classy, successful, out-going, wealthy, confident, attractive, dashing, popular, famous, untouchable, happy (at 1945).
Popular, admired, member of the peer group	U.S. Ex. 89,196	506864145-4153	Marketing Development Intelligence Center Advertising Research Report: Final Report - DAR Test of Two Advertisements	October 28, 1988	"…the 'Hollywood' executions had a significantly higher percentage of respondents that labeled CAMEL as a cigarette that is smoked by 'hip,' 'cool,' 'casual,' and 'groovy' people" (at 4152).
Popular, admired, member of the peer group	U.S. Ex. 68,244	507244164-4184	"Smooth Character" Campaign	1989	Smooth Character outperformed Bob Beck on "could be one of my friends" "someone I'd like to know," "has a lot of personality" (at 4171).

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Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
Popular, admired, member of the peer group	U.S. Ex. 20,774	507241613-1838	Camel Young & Rubicam Orientation	1989	"Belonging is enormously important to FUBYAS [First Usual Brand Young Adult Smokers]" (at 1651).
Popular, admired, member of the peer group	U.S. Ex. 68,205	506866004-6031	Camel Qualitative Research in Dallas	February 3, 1989	"Camel Joe's car and style of clothing quickly portrayed him as cool, sophisticated, debonair, and attractive. The fact that he was with an attractive female helped him to appear as leading a lifestyle of ladies man that was well-liked, approachable, out-going, confident, and popular. Many respondents mentioned that they would like to live this lifestyle" (at 6008).
Popular, admired, member of the peer group	U.S. Ex. 68,243	507229159-9161	Camel Advertising Qualitative Research II	December 14, 1989	Summarizes focus groups with 18-20 and 21-to-24-year-old Marlboro smokers showing that the Joe Camel campaign is very well received. Discusses how to dimensionalize Joe further. "Camel Joe needs to be portrayed as the hero, someone who is in control of his situation to maximize his appeal and relevancy to the target." (at 9159)
Popular, admired, member of the peer group	U.S. Ex. 66,470	507211964-2061	Camel Advertising	January 1, 1994	Smooth Character improved on Bob Beck on key user perceptions, including "could be one of my friends," "someone I'd like to know," "younger adult smoker," "has a lot of personality," and "knows how to have fun" (at 1976). Marlboro still had numerous advantages in terms of people's perceptions of Marlboro and Camel, including, "a brand my friends would smoke," "for adventurous people," "for active/exciting lifestyles," and "for people respected/admired by friends" (at 2005).

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Demonstrative 19: Images and Themes in the Joe Camel Campaign That Appeal to Adolescents
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Popular, admired, member of the peer group	U.S. Ex. 51,198	507403799-3801	1990 Camel Motorsports Big Idea: Creative Strategy	January 29, 1990	"CORPORATE/BRAND PERSONALITY: I am CAMEL; I am cool. I'm the ultimate 'Smooth Character." I'm my own person; self-confident, independent but approachable; a leader. I'm single and in my mid-late 20's. I'm larger than life, not just "one of the guys," cocky; studly yet sensitive. I epitomize the best life has to offer a young man - excitement, risk, thrills, fantasy and fun." (at 3800)
Popular, admired, member of the peer group	U.S. Ex. 68,249	507302620-2687	CAMEL Review	April 6, 1990	Improvement on "A brand my friends would smoke." (at 2634, 2635)
Popular, admired, member of the peer group	U.S. Ex. 68,249	507302620-2687	CAMEL Review	April 6, 1990	Comments about Joe Camel from Marlboro smokers 18-24: "He's a smooth character. He'd get along with anybody." "The guy's got a charm. Look at him!" "It's kind of like being cool. The guy is sitting there with a cool attitude with a chic [sic] in the background." (at 2650)
Popular, admired, member of the peer group	U.S. Ex. 68,312	509042482-2493	1990 Perception Tracking Study Camel: 18-24 Emphasis and Opportunity Markets	July 19, 1990	Indicates that, especially in the emphasis markets, the perception is widespread that CAMEL is "a popular brand" and "a brand my friends would smoke." (at 2490)
Popular, admired, member of the peer group	U.S. Ex. 20,789	507798137-8230	U.S. Cigarette Market in the 1990's	June 21, 1990	Regarding Camel: Graph on 8208 shows that Smooth Character does better than Marlboro Country on admired by friends, and could be friend of mine.

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Popular, admired, member of the peer group	U.S. Ex. 23,010	507490339-0354	Camel Advertising Overview by Young and Rubicam	December 4, 1990	Joe is "…the larger-than-life personification of all that we, in our moments of playful fantasy, aspire to be. Always the winner, on top of the situation, beating the system, and covering the scene, whatever he does he does with a style and joie de vivre all his own. The twinkle in his eye and that 'cat that ate the canary' expression on his face say it all." (at 0349)
Popular, admired, member of the peer group	U.S. Ex. 68,313	509042745-2841	Camel Evolved Smooth Character Advertising Evaluation Study	January 2, 1991	The evolved smooth campaign continues to communicate that Camel smokers are "smooth/cool" and used by "smooth/cool people." (at 2756)
Popular, admired, member of the peer group	U.S. Ex. 68,318	509043734-3776	Summary of Findings on Reactions to Camel Advertising and Pack Exchange Program Among Competitive Exchange Initiative Smokers	November 1990	Further discussion of how Joe is "cool, self-confident, and somewhat irreverent. (at 3739)
Popular, admired, member of the peer group	U.S. Ex. 68,402	514340409-0453	Qualitative Assessment of Camel Advertising Equity, Prepared by Ellison Qualitative Research, Inc.	October, 1991	". . . He's what guys really want to be–a man's man but not super macho . . .He's a natural leader–not pushy, but people just sort of follow his lead . . . never gets stressed out—always real relaxed and easygoing . . . Best of all–he only does what he enjoys doing–the ultimate" (at 0430). "He's someone you can hang out with—He makes you feel comfortable…That's a real knack…I wish I could be so easy to talk to … I guess it's 'cause he's done and seen everything—He's got nothing to prove, so he never puts people off" (at 0431). "Seeing him do all these things…gives guys hope—that one day, if they make it—they can do whatever they enjoy most…" (at 0438)

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Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
Popular, admired, member of the peer group	U.S. Ex. 68,350	509613395-3502	Camel Menthol Image Evaluation	November, 1993	Evaluation outlines performance of Joe's Place vs. the Camel Portfolio. Joe's Place performs better on friendly, classy, makes me feel good, confident, and romantic. (at 3416)
Popular, admired, member of the peer group	U.S. Ex. 89,197	516848240-8252	Summary of Advertising Research Results	July 2, 1997	This document provides responses of subjects who viewed Camel ads. The document outlines various adjectives; respondents often mentioned "fun" and "hip/cool." (at 8244)
Sex Appeal and Attraction to the Opposite Sex	U.S. Ex. 68,173	505739944-9990	CAMEL New Campaign Focus Groups	May 14, 1986	One of the images tested—a photojournalist—"was admired by these males for his courage and determination on the job, for his self-confidence and his attractiveness to women." (at 9945, emphasis in the original).
Sex Appeal and Attraction to the Opposite Sex	U.S. Ex. 20,774	507241613-1838	Camel Y&R Orientation	1989	Reviews data on how the "heroic Camel" outperformed Bob Beck and the Winston and Salem campaigns Heroic Camel outperformed Bob Beck on the following user attributes: Attractive to opposite sex. (at 1791)
Sex Appeal and Attraction to the Opposite Sex	U.S. Ex. 68,244	507244164-4184	"Smooth Character" Campaign	1989	Smooth Character outperformed Bob Beck on "attractive to opposite sex." (at 4171)

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Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
Sex Appeal and Attraction to the Opposite Sex	U.S. Ex. 51,962	515686724-6729	Camel Project Big Idea Concept Development	June 21, 1988	"Nothing quite captures the imagination for our target as the opposite sex. THE CAMEL CONNECTION … features an endless variety of premiums, give-aways, etc. that play our 'Camel Guy' as a real ladies man, the Camel equivalent of the Playboy bunny…" (all at 6726). "He's a blond beach god. Well, blond leaning camel. He's the epitome of hang-loose cool…You can usually find him gliding gracefully down the face of a Great Wall of China-size wave, hanging ten while other surfers around him get gobbled up and ground into the sand. …Here is where the party is: gorgeous girls dancing to the percussive thump, thump, thump from his monster ghetto blaster. Ah, the girls. They adore him. …If you look in the dictionary under 'hunk,' you'll find a breathtaking photo of him lazily bagging rays as the sun dances on his ice blue shades." (at 6729)
Sex Appeal and Attraction to the Opposite Sex	U.S. Ex. 20,774	507241613-1838	Camel Young & Rubicam Orientation	1989	Marketing strategy identifies sex as one of five key needs for 18-24-year-old smokers (at 1650). Report defines the role of sex for 18-20-year-old smokers as "Lots of dates (links to success need)" and "Anything goes (links to excitement need)." (at 1670)
Sex Appeal and Attraction to the Opposite Sex	U.S. Ex. 66,470	507211964-2061	Camel Advertising	January 16, 1990	Smooth Character improved on Bob Beck on key user perceptions, including "attractive to opposite sex." (at 1998)

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Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
Sex Appeal and Attraction to the Opposite Sex	U.S. Ex. 68,318	509043734-3776	Summary of Findings on Reactions to Camel Advertising and Pack Exchange Program Among Competitive Exchange Initiative Smokers	November 1990	Joe is "Always with, or being noticed by, beautiful women." (at 3739)
Sex Appeal and Attraction to the Opposite Sex	U.S. Ex. 68,402	514340409-0453	A Qualitative Assessment of Camel Advertising Equity, Prepared by Ellison Qualitative Research, Inc.	October 1991	Focus group members' comments about Joe Camel: "He's a partying dude—cool, laid back—the women are always swarming around him—what guy wouldn't want to be like him? … Since so many guys I know smoke CAMEL—I gotta believe they like the advertising—a lot … I do" (at 0426, ellipses in original). "He's the type the babes love…You can tell." (at 0429, ellipses in original)
Sex Appeal and Attraction to the Opposite Sex	U.S. Ex. 68,307	509040979-1048	Advertising Research Report: Project HG [High Ground] Quantitative Advertising Test and User Image Study	September 2, 1993	Concludes that including females in ads does not improve performance among females and has a risk of lowering response of males on purchase intent, likeability, and male character appeal. "…Joe's image as being free-spirited, lively, confident and worldly is diminished as he becomes involved in a specific relationship." (at 0981)
Sex Appeal and Attraction to the Opposite Sex	U.S. Ex. 68,350	509613395-3502	Camel Menthol Image Evaluation	November 1993	Compares performance of Joe's Place campaign to the Camel Portfolio. Joe's Place performs better on "appealing" and "romantic." (at 3416)
Excitement, fun, danger	U.S. Ex. 50,628	504585737-5757	Marketing Research Report: Camel Younger Adult Smoker Focus Groups	February 1, 1985	"The executions were too 'tame' in that they did not elicit enough excitement or enthusiasm." (at 5738-5739)
Excitement, fun, danger	U.S. Ex. 68,358	512544519-4527	Promotion Research Report Winston/ Camel Pack Action Study, April-August 1988.	November 18, 1988	"Younger adults center their lives on having fun in every way possible and at every time possible" (at 4536).

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Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
Excitement, fun, danger	U.S. Ex. 68,244	507244164-4184	"Smooth Character" Campaign	1989	Smooth Character outperformed Bob Beck on "knows how to have fun." (at 4171)
Excitement, fun, danger	U.S. Ex. 68,187	506863787-3961	Appendix to the Magazine Recall Test of the Camel Ads	June 1988	"Positive brand user image perceptions were projected to target younger adult male smokers—i.e., having fun at a party." (at 3791, emphasis in original)
Excitement, fun, danger	U.S. Ex. 89,196	506864145-4153	Advertising Research Report: Final Report - DAR Test Of 1P4C Hollywood/ Pilot and 2P4C Hollywood Advertisements	October 28, 1988	"'Hollywood' respondents perceived the product to be 'enjoyable,' 'pleasurable' and 'fun' because of the fun-loving nature of the ad's elements (to younger adult male smokers)…" (at 4153)
Excitement, fun, danger	U.S. Ex. 66,463	506864590-4591	Current/Projected Perceptions of CAMEL among Target Smokers	December 8, 1988	Both pre-market and in-market testing indicated that, "…target smokers aware of the new advertising were more likely to perceive CAMEL smokers as being younger adult and having more fun…" (at 4591)
Excitement, fun, danger	U.S. Ex. 20,774	507241613-1838	Camel Y & R Orientation	1989	Graph on page 1662 shows that younger adult smokers like exciting things and risk taking much more than those over 25. (at 1662)
Excitement, fun, danger	U.S. Ex. 68,312	509042482-2493	1990 Perception Tracking Study Camel: 18-24 Males Emphasis vs. Opportunity Markets	July 19, 1990	Ads in emphasis markets were successful in getting targets to see Camel as "for people who lead exciting life styles." (at 2491)
Excitement, fun, danger	U.S. Ex. 68,249	507302620-2687	Camel Review	April 6, 1990	"The CAMEL 'Smooth Character' campaign seems to deliver that sense of excitement and appeal to its target…" (at 2638)

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Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
Excitement, fun, danger	U.S. Ex. 66,470	507211964 2061	Camel Advertising	January 16, 1990	In describing emotional response to "Smooth Character" - 18-24: "Reasons why brand personality is so relevant to YAS. –Contemporary –Light hearted –Fun –Unexpected…" (at 2017.
Excitement, fun, danger	U.S. Ex. 68,318	509043734-3776	Summary of Findings on Reactions to Camel Advertising and Pack Exchange Program Among Competitive Exchange Initiative Smokers	November, 1990	Joe is "Constantly on an adventure which contains the element of danger." (at 3739)
Excitement, fun, danger	U.S. Ex. 68,350	509613395-3502	Camel Menthol Image Evaluation	November, 1993	Evaluation outlines performance of Joe's Place vs. the Camel Portfolio. Joe's Place performs better on Lively, Gets my attention, Modern, up-to-date, Fun, Exciting, Enjoyable, Appealing, Friendly, Classy, Makes me feel good, Confident, and Romantic. (at 3416)
Nonconformist, rebel, individualist	U.S. Ex. 20,725	503969238-9242	Camel New Advertising Campaign Development	March 12, 1986	"The objective of the advertising is to leverage the non-conformist, self-confident mindset historically attributed to CAMEL users so that the brand becomes a relevant, appealing choice for today's younger adult smokers" (at 9240). "To accomplish this objective, the advertising will create the perception that CAMEL smokers are non-conforming, self-confident younger smokers who project a cool attitude which is admired by peers." (at 9241)

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Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
Nonconformist, rebel, individualist	U.S. Ex. 68,173	505739944-9990	CAMEL New Campaign Focus Groups	May 14, 1986	"The objective of CAMEL's new creative strategy is thus to create an aspirational user image who demonstrates maverick qualities which set him apart from others …" (at 9945)
Nonconformist, rebel, individualist	U.S. Ex. 68,177	505917701-7704	MDD Management Summary: Camel "Posters" Campaign Advertising Research	November 1986	Positions Camel as a "substantive cigarette for smokers who want to challenge convention by making a maverick statement about themselves which others will emulate." (at 7701)
Nonconformist, rebel, individualist	U.S. Ex. 20,774	507241613-1838	Effective Marketing to Younger Adult Smokers	September 19, 1988	Reviews data on how the "heroic Camel" outperformed Bob Beck and the Winston and Salem campaigns Heroic Camel outperformed Bob Beck on the following user attributes: Expresses individuality. (at 1790)
Nonconformist, rebel, individualist	U.S. Ex. 66,463	506864590-4591	Current/Projected Perceptions of Camel among Target Smokers	December 8, 1988	"The most important user image attributes to target 18-24 year old male smokers are to be perceived as having an independent/individualistic personality, followed by being masculine, admired/accepted by friends, younger adult and fun/exciting…" (at 4590)
Nonconformist, rebel, individualist	U.S. Ex. 68,264	507407399-7426	Sports Marketing Efforts: Evaluation and Recommendation	August 10, 1990	Camel described as "fun-loving, irreverent, larger-than-life, 'Big Brand' presence" (at 7426). "Camel is an authentic, smooth tasting, premium quality brand for adult smokers (primarily 18-34) who choose to express an irreverent, less serious attitude toward the everyday pressures of life." (7403)
Nonconformist, rebel, individualist	U.S. Ex. 68,313	509042745-2841	Camel Evolved Smooth Character Advertising Evaluation Study	January 2, 1991	"The Evolved Smooth Character campaign is particularly effective among smokers who reject traditional values." (at 2746)
Nonconformist, rebel, individualist	U.S. Ex. 68,909	525511589-1595	CAMEL DBM Programs Learning Perspective	1994	Notes that one development objective is to "Provide readers with provocative articles that have an attitude of rebellion, adventure, individualism, humor and a lust for living." (at 1595)

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Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
Masculine, rugged, adventurous	U.S. Ex. 68,349	509612458-2463	Camel General Market Campaign Focus Group Research: French Camel	1988	"The 'French CAMEL' personality characteristics that are most positive and appealing include: action, adventure, masculinity, hero, bigger than life." (at 2458)
Masculine, rugged, adventurous	U.S. Ex. 68,312	509042482-2493	Advertising Research Report, 1990: Perception Tracking Study Camel: 18-24 Males Emphasis vs. Opportunity Markets	July 19, 1990	Ads in emphasis markets were successful in getting targets to see Camel as "for adventurous people." (at 2491.
Sports	U.S. Ex. 51,198	507403799-3801	1990 Camel Motorsports Big Idea: Creative Strategy	January 29, 1990	Outlines the creative strategy, which is to "…reinforce the target's loyalty to the brand by involving him with a fresh, contemporary creative approach to the sports Camel sponsors accentuating the target's fun and irreverent lifestyle." (at 3799)
Sports	U.S. Ex. 68,264	507407399-7426	Sports Marketing Efforts: Evaluation and Recommendation	August 10, 1990	"Sporting events are very effective: • In providing a big brand presence on a national level. • In delivering positive perceptions because of the association of the brand with the sport. • In appealing to a segment of our franchise and competitive smokers" (all at 7425). Camel described as "fun-loving, irreverent, larger-than-life, 'Big Brand' presence" (at 7426). "Camel is an authentic, smooth tasting, premium quality brand for adult smokers (primarily 18-34) who choose to express an irreverent, less serious attitude toward the everyday pressures of life." (at 7403)

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Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
Sports	U.S. Ex. 68,266	507489835-9847	Camel Field Marketing Opportunities	October 11, 1990	The Objective is, "To accelerate the shift in perception of our prime prospect from a secondary brand to the 'first brand of choice' by: • Enhancing the linkage between the Brand and the key interests of the prime prospect. • Extending the brand personality into key segments of their lives" (at 9840). Special interests include, among others, fishing, hunting, water sports, and team sports. (at 9838)
Cars	U.S. Ex. 20,774	507241613-1838	Camel Young & Rubicam Orientation	1989	Popular activities among those who smoke a lot include motorcycles and cars. (at 1641)
Cars	U.S. Ex. 68,266	507489835-9847	Camel Field Marketing Opportunities	October 11, 1990	An RJR study identified "special interests of the prime prospect" to include, among others, cars and motorcycles. (at 9838)
Cars	U.S. Ex. 68,402	514340409-0453	A Qualitative Assessment of Camel Advertising Equity, Prepared by Ellison Qualitative Research, Inc.	October 1991	Focus group member describing Joe Camel: "I've seen the CAMEL guy–the offbeat, not-real-person character doing lots of different stuff–riding a Harley, playing in a blues band with the Hard Pack, sitting in a Jacuzzi, driving a hot car–I think it was a red Vet." (at 0429)
Coping with stress/emotion	U.S. Ex. 68,402	514340409-0453	A Qualitative Assessment of Camel Advertising Equity, Prepared by Ellison Qualitative Research, Inc.	October, 1991	Focus group member describing Joe Camel: "Never gets stressed out…He can deal with whatever comes his way…If something doesn't work out—he just does something else—goes with the flow… No big deal to someone real flexible like he is." (at 0432)

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Demonstrative 20: Images and Themes in Winston Marketing
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Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
Masculine, rugged, adventurous	U.S. Ex. 68,180	506052134-2157	An Exploratory Study of Winston King Smokers' Reactions to the "Candid" Campaign in Evansville and Birmingham	January 26, 1978	8 focus groups. Winston man was seen as "studly," "macho," "rugged," "… a real man," "lover," "Ladies' man" (at 2148-2149). Respondents wanted to be like him. He was not seen as out of reach (at 2149). Also seen as sincere, competent, believable, independent, committed, but also relaxing casual, loose (at 2150-2151).
	U.S. Ex. 68,727	500769378-9379	Winston's Image	June 27, 1978	Evaluating Winston and Marlboro in terms of changes in perceptions between 1976 and 1977 on outgoing, daring, brave, independent, modern, male, and younger. Winston is improving on Modern and Male (at 9379) (at 0990).
Independence, self-confidence, honest/ straightforward, true to convictions	U.S. Ex. 68,760	519952800-2888	Advertising Research Report - Winston Natural Evaluative Ad Test #2	December 29, 1995	One of the goals of the Winston natural positioning is that it will "[Enhances] specific positioning strategy strategy [sic] and overall brand perceptions including: has no artificial ingredients, has no additives, has a natural/authentic tobacco taste, reflects an attitude you like, for people who reject things that are phony or artificial, is for a no B.S. type of person, for 21-34 year old smokers. (at 2801)

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Demonstrative 20: Images and Themes in Winston Marketing
U.S. Exhibit 17,574

Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
	U.S. Ex. 52,426	519923354-3416	Advertising Research Report - Winston/Marlboro Advertising and Base Perceptions Research	February 19, 1996	Study of 500 smokers 21-34. Evaluated the ads of Marlboro and Winston (No Bull and NO BS) and got ratings of the brand from Winston and Marlboro smokers who had not been shown any ads. On ratings that are likely to reflect the appeal of the brand to young people, Only 38% of 21-29 years olds who saw the No BS ad and 33% of those Winston smokers who saw no ad said that the brand was for "rugged, independent people," while 67% of 21-29 year old Marlboro smokers who saw the Marlboro ad and 50% of the 21-29 Marlboro smokers said that of their brand. (at 3402) "...Winston No Bull advertising was highly successful in dramatically improving the brand's appeal and attitudes vs. ingoing perceptions." It added, however, that "….the ubiquity of the Marlboro image and equity creates base perceptions…that are enormously high/positive. As a result, the advertising does not enhance the brand's overall image, and in fact falls considerably below it." (at 3355)
	U.S. Ex. 68,762	519952961-3069	An Evaluation of Six Print Campaigns for Winston	March 27, 1996	Evaluated ads on attributes including: "honest/ straightforward," "no BS type of person," and "true to his or her convictions", "your friends would smoke" (at 2975) The No Bull ads scored well. More than 40% of males and females 21-29 who saw the No Bull ads endorsed "is for a no BS type of person," "is for honest straightforward people." (at 3003, 3007)
	U.S. Ex. 68,556	516707562	Summary of Focus Group Research	May 30, 1996	"Remember: Winston is …confident, contemporary, sometimes funny…" (at 7562)

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Demonstrative 20: Images and Themes in Winston Marketing
U.S. Exhibit 17,574

Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
	U.S. Ex. 71,115	520421695-1697	Advertising Research Report - Winston MM 4Q Revised Advertising Communication Test Results	November 8, 1996	"Both these ads communicate a strong user image of one who is confident, decisive, knows what he/she wants, and is unapologetic about going after it. At the same time, this person is portrayed with an approachable personality that is not off-putting to either gender of respondent….Both males and females sparked to the Real Man ad (depicting a confident but approachable woman)." (at 1697)
	U.S. Ex. 71,106	516590642-0662	Advertising Research Report - Winston "Real" Campaign Ad SIFT Test	February 10, 1997	"… the key drivers that seem to influence positive ad response among females are: Ads that depict a confident, decisive woman who knows what she wants and calls it like she sees it…is not afraid to go after it" (at 0644). "…fantasy associated with a male showing his sensitive, vulnerable, or romantic side…(at 0643)"… "Among males, the key drivers of ad appeal seem related to: Ads that depict a beautiful woman. (at 0644) Feature an attractive, provocative female (at 0649).
	U.S. Ex. 68,546	516826080-6137	Summary of Advertising Research Results for Winston	April 17, 1997	Gives ratings on adjectives for No Bull, Umbrella, 20 Stories, Red & White, Real-Bull Dog, and Real-Real Man ads. (at 6126) Evaluated ads on attributes including: "daring," "bold" (at 6127) "Brand friends would smoke" (at 6126) No Bull ads scored well on "Brand Changing for the Better" — above 40% endorsing for all subgroups. For most subgroups, more than 40% endorsed, "Brand with attitude I like." (at 6126)

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Demonstrative 20: Images and Themes in Winston Marketing
U.S. Exhibit 17,574

Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
	U.S. Ex. 68,740	519923696-3787	Advertising Research Report - Winston/Marlboro Image Study	January 8, 1999	Among Marlboro Loyalists, Marlboro was rated higher than Winston on the following dimensions: masculine, confident, self-reliant, dependable, has goals in life, energetic, feels like a winner, has good friends, attractive to opposite sex (at 3736) "Both brand equities [i.e., Marlboro and Winston] project a confident 'stand up' guy. And, Marlboro offers more fun, versatility, and inclusion." (at 3698) Moreover, Reynolds researchers said that Marlboro loyalists associated the Winston image with "smart ass confident, tells people off, set in his ways, like his father." (at 3698) R.J. Reynolds designed the study to "…understand the relative strengths and weaknesses of Winston and Marlboro positionings in terms of brand image, user image, and product image." (at 3697)
Sports—NASCAR Auto Racing	U.S. Ex. 52,144	517958680-8717	RJR/NHRA Drag Racing Smokers Study	December 1996	Estimates of smokers attending NHRA (National Hot Rod Association) and NASCAR events. Surveyed fans about awareness of RJR and Brand sponsorship. Unaided awareness of Winston sponsorship of NASCAR was 30% and aided was 93%. Figures for Camel were 13% and 84%. For Marlboro they were 9% and 47%. When asked about usual brand, NASCAR attendees named Winston by far the most frequently.
	U.S. Ex. 68,556	517048955-9002	Advertising Research Report – Winston "No Additives" Advertising Communication Test #3	April 24, 1996	Tested a version of No Bull with auto racing visuals. It did not perform as well as the General Market campaign. (at 8956)

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Demonstrative 20: Images and Themes in Winston Marketing
U.S. Exhibit 17,574

Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
	U.S. Ex. 68,826	520641064-1110	NASCAR Winston Cup Attendee Research	July 30, 1996	Studied NASCAR attendees regarding perceptions of Winston. Unaided awareness of Winston as a sponsor of NASCAR
	U.S. Ex. 68,706	518096996-7009	SME (Sports Marketing Enterprises) Objective	May 16, 1996	Gives the demographics of the Winston Events (Winston Cup, Winston Racing, Winston Drag) (at 6996-6998) "To maintain and develop a world-class sports marketing organization to maximize R.J. Reynolds Tobacco Sports Marketing efforts, while providing sports marketing expertise to select third party companies." (at 6997) The objective of Sports Marketing is to "Increase sponsoring brand's share of market among attendees and enthusiasts within each event." (at 6996)
	U.S. Ex. 71,098	507307395-7405	EBR Qualitative Research Review	August 22, 1988	"To qualitatively assess the communication and appeal of introductory advertising and promotion for the 1989 WINSTON 'Sports Connection' program" (at 7395).
	U.S. Ex. 71,106	516590642-0662	Advertising Research Report - Winston "Real" Campaign Ad SIFT Test	February 10, 1997	Includes a full-page chart of NASCAR Fans Ranking of Winston ads (at 0654).
Excitement, fun, danger	U.S. Ex. 68,546	516826080-6137	Summary of Advertising Research Results for Winston	April 17, 1997	Evaluated numerous Winston ads on attributes including: "Exciting" (at 6127)
	U.S. Ex. 68,555	517048839-8848	Advertising Research Report - Winston No Additive Ad Communication Test "Jokes" vs. "NO Bull"	April 1, 1996	Key Measures of advertising include fun, entertaining, humorous, and silly (at 8844)
Hip/Cool	U.S. Ex. 67,947	501363621-3643	Winston "Sweatshirt" (*Oui* Magazine) Placement Recall Test	September 12, 1975	One male participant stated, "My impression was that hip people smoke Winston" (at 3627).

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Demonstrative 20: Images and Themes in Winston Marketing
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Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
	U.S. Ex. 68,546	516826080-6137	Summary of Advertising Research Results for Winston	April 17, 1997	Evaluated numerous Winston ads on attributes including: "Hip/Cool" (at 6127)
	U.S. Ex. 68,740	519923696-3787	Advertising Research Report - Winston/Marlboro Image Study	January 8, 1999	Among the dimensions on which Among Marlboro Loyalists, Marlboro was higher than Winston: cool/hip

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Demonstrative 21: Images and Themes in Salem Marketing
U.S. Exhibit 17,575

Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
	U.S. Ex. 71,114	520371448-1628	Salem Brand Review 20-Year Marketing History	Circa 1976	"1956-1963: Salem enters period of heavy media spending as brand grows. Salem spending dominates Kool spending." (at 1477) "Reasons for Kool's Growth: …18-24 age group growing significantly and dramatically faster than any other age segment." (at 1503) Another reason: "Growing incidence of smoking among younger smokers (14-17 years)…" (at 1504) "Strong cigarettes (Kool, Marlboro) with independent/macho/contemporary user imagery become admission card to peer group acceptance among young Americans." (at 1507) Identifies as a problem for Salem "Failure to motivate/attract adequate share of young, urban, male smokers" due to a problematic brand user image. (at 1567) Under "Creative Strategy" "Create a positive/clearly defined brand user image: Masculine, active, contemporary, emulatable." (at 1580) Reports copy pre-testing results as positive. Includes, "young smokers strongly attracted to models." (at 1583) Since the introduction of the "Smoking Enjoyment" campaign (circa 1974/1975), "Brand SOM among younger smokers showing increasing strength." (at 1587) "Research shows advertising campaign effectively correcting previous problems: Brand image more contemporary" (at 1608) "Position Salem: …As cigarette for contemporary, independent, self-assured smokers, with younger male emphasis (continue to update brand image)" (at 1617)

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Demonstrative 21: Images and Themes in Salem Marketing
U.S. Exhibit 17,575

Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
	U.S. Ex. 48,727	501156901-6934	Total Salem Brand Marketing Plan	Circa 1976	"The brand's SOM among 14-17 year old smokers is in excess of 10% and growing rapidly." (at 6904) "…Salem Brand, as well as the user of the brand, was perceived as being old-fashioned, passive, feminine, and not compelling. Through an emphasis on male models/personalities and by visualizing the Salem smoker as very young, contemporary, active, and appealing, the 'Enjoyment' campaign seeks to overcome these negatives." (at 6906)
	U.S. Ex. 78,790	501162135-2173	Management Summary Salem Cigarettes	Circa 1977	One growing user segment is "younger smoker…" (at 2139) The age breakdown is for 15-34 vs. those 35 and over. Shows that the former group is growing as a percent of the population. (at 2141) Execution of the advertising for 1977-1979 includes: "More 'real', masculine, emulatable models." (at 2157)
	U.S. Ex. 50,420	503704778-4800	Salem Spirit Spring Scene '83	December 14, 1982	"Emphasis should be placed on reaching the target smokers in feeder cities during the months [sic] of February." (at 4783) "Salem Spirit Travel Kits…will be used by [travel] agencies as added incentive to purchase." (at 4783) The kits will include a t-shirt, towel, playing cards, magazine, etc. (at 4783) Another type of kit will be delivered to vacationers at the destination sites. There will be 300,000 of them distributed. Salem will provide a coupon book, an area map and special Salem Spirit Button Game. (at 4785) Salem will advertise in *Spring Spirit Magazine*, 250,000 of which will be distributed during spring break. (at 4786)

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Demonstrative 21: Images and Themes in Salem Marketing
U.S. Exhibit 17,575

Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
	U.S. Ex. 50,415	503588196-8201 Also: Exhibit 5 from Burrows Deposition	Salem Spring Resort Awareness / Attitude / Memorability Study	June 28, 1983	"The Spring Resort Program provided Salem an opportunity to reach over 1.0mm [a million] target young adults (18-24) concentrated in a minimal number of markets…it was possible that Salem reached these target consumers three to four times per day through retail promotions, sampling, imagery enhancement activities, special media publications, concerts and free premium items." (at 8198) Notice that those reached were not restricted to current smokers. (at 8198)
	U.S. Ex. 68,553	517000411-0493	Salem Female Innovations Advertising Communication Test I Final Report	April 1996	"Key image attributes: (i.e., male/female/21-34 users, for 90's/for today/modern/up-to-date, innovative)." (at 0414) "Proposition communication attributes: (i.e., daring, savvy, innovative, interesting/exciting, new/different)." (at 0414) Ads evaluated: *Innovation* and *Portrait*. Adjectives on which they were evaluated included: daring, savvy, and exciting. (at 0421)

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Demonstrative 21: Images and Themes in Salem Marketing
U.S. Exhibit 17,575

Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
	U.S. Ex. 68,552	516937537-7833	Salem Ad Test Salem Innovations vs. MVP	October 24, 1996	Two distinctive positionings and corresponding advertising campaigns have been developed to revitalize the Salem brand: "Salem Innovations repositions Salem as a company/brand that cares about its smokers and their concerns." (at 7539) This is primarily developed for 25-34 menthol smokers. Previous research indicated that the campaign communicated this proposition to 21-34 year olds in a persuasive manner. (at 7539) "MVP (Motivating Values Positioning) repositions Salem as the owner of the primary menthol attributes and benefits of cool and fresh by providing the first translation of these key menthol product attributes into relevant and compelling imagery among 21-24 year old smokers. --Exclusively developed for 21-24 competitive smokers." (at 7539) They have done a lot of qualitative, but not any quantitative testing of this campaign. Each campaign had six executions. Innovations had the "'…Up Close' campaign, consisting of 2-page spreads entitled: 1-800 # Team, Smoking Lounges, Town Hall, Slide Box, Gold, and Flavors." (at 7540) MVP had the "…Green campaign, consisting of 4-page inserts entitled: Ace, Lava Lamp, Alien, Tattoo, Medusa, and Manhattan." (at 7540) 500 competitive smokers per cell, 50% aged 21 to 24 and 50% aged 25-34, half male, 30% African American, 50% Newport smokers. Also, 250 franchise smokers per cell. (at 7542)

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Demonstrative 21: Images and Themes in Salem Marketing
U.S. Exhibit 17,575

Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
	U.S. Ex. 68,552	516937537-7833 (continued)	Salem Ad Test Salem Innovations vs. MVP	October 24, 1996	Under Summary and Conclusions: Motivating Values Positioning has advantages over Salem Innovations. It is more engaging and more apt to be perceived as geared toward the key 21-29 year old smoker. (at 7566). Ratings were obtained on cool/hip. The image of the Salem Brand was rated for both ads. Among 21-24 year olds, MVP was better on "Cool, in style, contemporary; different, unique; youthful; bold, free-spirited; wild, crazy, bizarre." (at 7591) Among 21-24 year olds, MVP did better on "In tune with what's happening. Do their own thing. Free spirited and fun" (at 7593) Also did better on fun, hip/cool, imaginative, and humorous. Respondents were much more likely to say that the MVP ads were for younger people. Also asked about lifestyle descriptors, with a number of items involving risk taking and rebelliousness. (at 7610)

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Demonstrative 21: Images and Themes in Salem Marketing
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Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
	U.S. Ex. 68,739	519851127-1158	Salem Repositioning	Circa 1997	Describes 21-24 year old Menthol smoker as: "Experiential; Wired for discovery, 'Up' and tuned in; [and] Not afraid to change." (at 1129) "Menthol has an 'attitude': --More 'up' and stimulating; --More experiential; --More sensory/sensational; --Less expected." (at 1130) The prime prospect is 21-24 year old smokers. The repositioning would involve the proposition: "Only Salem is the fresh and unexpected cigarette that redefines the menthol experience for the 21st century." (at 1131) Compares reactions to Salem MVP: Green with Winston ads. MVP Green outperformed Winston No Bull on attracting attention and entertaining. (at 1132) Describes plans for increased marketing in certain regions.
	U.S. Ex. 71,109	516757556-7557	Salem "Green" Campaign OOH SIFT Test	April 30, 1997	Tested ads that portray Salem as "the 'Unexpected Cool' menthol cigarette that will redefine the menthol experience into the 21st Century for 21-30 year old smokers." (at 7557) Four of the executions were liked more than they were disliked. "Global Cooling" was better by 44 percentage points (i.e., percent liked minus percent disliked.) (at 7557)

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Demonstrative 21: Images and Themes in Salem Marketing
U.S. Exhibit 17,575

Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
	U.S. Ex. 71,110	516757613-7615	Salem "Green" Campaign Print Advertising SIFT Test	May 30, 1997	"Successful print ads will portray Salem as the 'Unexpected Cool' menthol cigarette that will redefine the menthol experience into the 21st century for 21-30 year old smokers." (at 7614) "'Tattoo' outperformed all other executions in terms of net likability (among trendsetters, 21-24 year olds, and females), all five brand/user perceptions, interest in Salem, ADSAM emotional responses, and talk value." (at 7614)
	U.S. Ex. 89,197	516848240-8252	Summary of Advertising Research Results	July 2, 1997	Gives adjective ratings for Salem ads. Ads are listed in the table. MVP: Green performed better than SI ads on Daring, humorous, fun, hip/cool among 21-24 year olds. (at 8248)
	U.S. Ex. 68,819	520380509-0605	Salem Lead Market Tracking Post Wave I	March 1998	Shows higher rates of trial in past month than the Winston No Bull--though the age group and geographic areas differ. Among 21-29 year olds, the ad campaign increased reports of liking for the advertising, 'cool/up-to-date,' and 'imaginative/unexpected things'. Survey items in back of document. (at 0584-0605)
	U.S. Ex. 68,816	520345993-6072	Salem Tagline and Pack Graphic Study Topline	March 1999	Participants were 21 to 59. Obtained ratings of various taglines and pack characteristics. Attributes included "Has a cool, up-to-date feeling" "gives you a strong sense of adventure," "Has an exiting [sic], energetic feeling." (at 6021) The newer pack design scored significantly higher than the old one on: "modern/up-to-date; unique looking; bold; proud to carry; high quality looking, and masculine looking." (at 6031)

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Demonstrative 21: Images and Themes in Salem Marketing
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Image	Trial Exhibit	Bates Number	Document Title or Topic	Document Date	Quote/Example
	U.S. Ex. 58,932	LB0068733 -8759	Topline of Salem Focus Groups in New York	April 30, 1999	Report of focus groups done in New York City among YAMS 21-29, the majority of whom were 24+. "While respondents seemed to understand that this was something different from Salem, the campaign did not resonate with any of the groups and was seen as 'trying too hard,' 'over the top,' and for adult smokers 'younger' than themselves." (at 8733)
	U.S. Ex. 68,911	526173154-3206	Quantitative Research among Current Salem Female Smokers	October 1999	"The new brand proposition has a young appeal and it will target mainly the YAS segment of the market comprised of menthol smokers between 18 to 24." (at 3156) Studied women who smoked Salem and were over 35. Found that the planned campaign and pack design would not offend them. (at 3156)
	U.S. Ex. 68,913	526173243-3271	In-Depth Interviews Among Salem Smokers in Puerto Rico	October 1999	Three focus groups with 8 to10 respondents, 35 + years of age. Designed to see how resistant they would be to changes in the brand packaging and positioning. They seemed to be accepting of the need for change. Examined whether the new Salem proposition would have a negative impact on this population. Concluded that it will not have a negative effect. "…it is not surprising that this target do [sic] not always 'get' the campaign given that it was developed for a much younger target." (at 3251) "The advertising is appealing and attention getting; albeit for young (adult) people." (at 3252) Respondents viewed Newport as the smoke of younger people--late teens to early 20's. (at 3257)

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Topic	Exhibit Number	Bates Number	Document Title or Description	Document Date	Quote or Example
Preventing Restrictions on Marketing	U.S. Ex. 67,263	TIMN 0018970-8979	The Development of Tobacco Industry Strategy	Early 1980's	"…a more sophisticated understanding by government regulators of the needs/behaviors of industry. For example, a program to discourage teens from smoking (an adult decision) might prevent or delay further regulation of the tobacco industry." (at 8976) "Programs must help us develop new political and business relationships, i.e. build further alliances." (at 8977)
	U.S. Ex. 67,270	TIMN 0067411-7421	"New Directions Implementation" Memo to the TI Executive Committee from Horace R. Kornegay (TI Chairman in 1985, VP of RJR in 1994) Samuel D. Chilcote, JR. (Pres. Of TI in 1992)	October 19, 1981	Action #4 is the "Delivery of our youth messages …accompanied by promotion of our activities to youth and educational authorities." (at 7417) "Priority Strategy # 6: To review long-standing advertising guidelines. "Rationale: Voluntary guidelines…Current assurance of their adequacy and greater public knowledge of their existence can help soften negative public opinion about brand advertising." (at 7418) With respect to review of advertising guidelines: "Action # 2: The Committee [of counsel] to review all of the voluntary guidelines adopted by the industry as early as 1963 and improved as recently as this year, in terms of their adequacy to meet advertising and promotional requirements while withstanding insofar as possible the continuing assaults on advertising from anti-smoking spokesmen." (at 7419)

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Topic	Exhibit Number	Bates Number	Document Title or Description	Document Date	Quote or Example
	U.S. Ex. 74,873	04210397-0441	Responsible Living for Teenagers: A Public Service Proposal for the Tobacco Industry	May 1982	"In its staff report on cigarette advertising, the Federal Trade Commission berated the industry for not better regulating itself in this area." [namely "teenage smoking"] (at 0399) "…designed to offset further erosion of the industry's image in this area, reverse political trends and gain recognition of our efforts from public service organizations and public officials." (at 0399-0400) The sole objectives of the program are listed as: I. To create a broad public awareness of the industry's position that smoking is an adult custom. [emphasis in original] II. To establish positive working relationships with key public and private officials interested in the needs and welfare of youngsters. III. To demonstrate that the voluntary approach to the issue is preferable to a mandatory one. (at 0401) The document lays out plans for involving other organizations and has specific plans for advertisements about the fact that the tobacco industry is doing something about youth smoking. Mailings about the program will go to legislators, professional organizations, child welfare and recreation groups, civic and public service organizations, manufacturers of children's products, and journalists and communicators.

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Topic	Exhibit Number	Bates Number	Document Title or Description	Document Date	Quote or Example
	U.S. Ex. 74,879	04210444-0455	Committee Recommendations on 'Responsible Living' Project. Written by T. Humber, Chairman of the Communications Committee at TI	April 12, 1984	This document describes the plans to work with the National Association of School Boards of Education (NASBE) and test the program in a couple of states. The evaluation of the program would look at whether adults did not find the program credible. It would assess public references to the program and testimonial endorsements. Missouri and Kansas were chosen for testing it on the basis of their size, "state legislative conditions, the impact on federal relations, our ability to purchase advertising space confined to the state." (at 0449-0450) The document refers to the "Public Relations Plan Timetable" (at 0450)—Meetings will be held to prepare the launch, the purposes of which will be to: "Identify key state education personnel Identify key legislative personnel…. Identify other potential program endorsers." (at 0450)
	U.S. Ex. 74,879	04210444-0455 continued	Committee Recommendations on 'Responsible Living' Project. Written by T. Humber, Chairman of the Communications Committee at TI	April 12, 1984	They will meet with "…targeted educational personnel. The purpose of these meetings is to log the individual's response to the program with an eye toward either encouraging a testimonial upon public announcement of the program or participation in the launch itself." (at 0451) There is no mention of enlisting help to get the program to parents. "Throughout these sessions, an emphasis will be placed on recruiting prominent educators, legislators and others to endorse the program publicly immediately after the launch." (at 0451) Ten days before the launch a media advisory will be sent to the press and they will meet with sympathetic reporters and editors around the state. "The editorial boards of the state's newspapers will be the first level targets for program spokesperson contact…the orchestration of positive comments and program support will supplement this process." Thus, the plan focuses on influencing opinion leaders, not on getting the materials to parents or influencing parents. (at 0451-0452) Nothing in this document indicates that there was any effort to assess the effects of this program on parents' communications to their children.

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Topic	Exhibit Number	Bates Number	Document Title or Description	Document Date	Quote or Example
	U.S. Ex. 67,287	TIMN 174394	Memorandum from Anne Duffin to David Henderson and Roger Mozingo Promotion of NASBE/TI youth program before legislative and other audiences	November 27, 1984	Conveys a speech to be given to two conferences of legislators. "The purpose of such appearances is three-fold: to promote the program, to discourage sampling and other legislation and to solicit quotable comment from community leaders." (at 4394)
	U.S. Ex. 67,288	TIMN 174575-4601	Progress Report on the Responsible Living Program for the Communications Committee	June 10, 1985	Two objectives of the program (which involves Helping Youth Decide and Helping Youth Say No): "…increase public awareness that the tobacco industry does not market cigarettes to youngsters. … demonstrate to public policy makers…and other concerned with the welfare of youngsters…that the industry is acting responsibly in this area." (at 4575) Preventing smoking is not listed as an objective. "We hoped we'd make points…on the Hill…points among state legislators...points among influential educators…" (at 4577) TI accumulated 45 pages of quotes from people favorable to the program. (at 4579)

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Topic	Exhibit Number	Bates Number	Document Title or Description	Document Date	Quote or Example
	U.S. Ex. 67,288	TIMN 174575-4601 Continued	Progress Report on Responsible Living Program for the Communications Committee	June 10, 1985	The report lists ways that TI staff have used the program to forestall legislation: In Michigan, New Hampshire (prevented sampling ban), Maryland (prevented transportation advertising ban), Wisconsin (used it to "avoid attachment of a sampling ban to a measure establishing an 18-year minimum cigarette sales age"). In California, it was used to "defeat a half-cent tax increase earmarked for anti-smoking 'education' in the schools." Used with the National Black Caucus of State Legislators in a dozen states. Tributes from Pennsylvania legislators were presented. "The Indiana state senate voted a commendation." Favorable comments from the California Assembly leader, the President of the Illinois Senate, the President pro tem of the Michigan Senate, the President of the New Hampshire senate, the Chairman of the Missouri committee on children, youth, and families; the chairman of the Indiana house education committee. Also Texas (4591-4594) Describes a plan to use the PR team in selected states "…where our legislative counsel want them. We plan first to schedule our national ad in the capital city newspaper. Then we'll pop in the Jolly and Walker Show…and follow with a new, success story ad…" (at 4599)

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Topic	Exhibit Number	Bates Number	Document Title or Description	Document Date	Quote or Example
	U.S. Ex. 67,286	TIMN017 4182-4192	"Helping Youth Decide" - A Presentation for Communications Committee	October 30, 1986	In describing Helping Youth Decide, "Note I say 'project' Because that is exactly what 'Helping Youth Decide' –HYD for short—is. What it <u>should</u> be… is a legislative program…and it is now ready to be that. The need for this legislative resource is greater than it ever has been. The cigarette advertising issue has been right smack at center stage now since last spring…on Capital Hill…and, increasingly, in states and cities. You know about Atlanta, and Boston, and San Francisco. The concept behind development…and free distribution… of the parent guidebook was first used almost five years ago…in the TI fire program. It's the concept that we can do <u>well</u> by doing <u>good</u>." (at 4183) [emphasis in original] "…when Jolly Ann Davidson told the Waxman committee about the program…Jolly even had Congressman Jim Scheuer nodding genially in agreement about the need for better family communication. No one said a snide word…about TI…" (at 4187)
	U.S. Ex. 67,286	TIMN017 4182-4192 Continued	"Helping Youth Decide" - A Presentation for Communications Committee	October 30, 1986	Then describes a plan to introduce a new booklet, "Helping Youth Say No" in "the home territory of Congressman John Dingell…Chairman of the Commerce Committee." Then notes that regional vice presidents were clamoring to have the introduction done into their region and that: "Roger said the Northeast was a must…because of pending restrictions on sampling and advertising." (at 4188) The speech notes that "<u>We</u> knew that…to be of most help at the next round of ad hearings…it had to be in a town that meant something to <u>someone</u> on the Hill." (at 4189) [emphasis in original]

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Topic	Exhibit Number	Bates Number	Document Title or Description	Document Date	Quote or Example
	U.S. Ex. 67,286	TIMN017 4182-4192 continued	Helping Youth Decide A Presentation for Communications Committee	October 30, 1986	"…a major task of NASBE in each community…beginning with the pilot…will be to compile a tangible record…anecdotes, quotes, and photographs…endorsements and proclamations…numbers on books distributed, families and groups participating, workshops…editorials. That record will then be available for show and tell—by our lobbyists—on Capital Hill, in Albany, Columbus, Ohio, San Francisco—wherever it's needed—to demonstrate the industry's good faith effort … in continuing community efforts … to help America's parents maintain influence in the lives of their young teens." (at 4190)
	U.S. Ex. 67,289	TIMN 195117-5118	Memo from William A. Cornell, Jr. to Don De'Errico "Youth Program Mailing"	November 28, 1990	Lists key Pennsylvania legislators to whom packets about the youth program should be mailed.
	U.S. Ex. 34,445	TIMN 0164421-4424	Discussion Paper from the Tobacco Institute	1991	A youth program will: "support the Institute's objective of discouraging unfair and counterproductive federal, state, and local restrictions on cigarette advertising, by: Providing on-going and persuasive evidence that the industry is actively discouraging youth smoking and independent verification that the industry's efforts are valid. . .[emphasis in original] -Seizing the political center and forcing the anti-smokers to an extreme . . ." (at 4422) The strategy will include: "1. Heavily promote industry opposition to youth smoking … 3. Work with and through credible child welfare professionals and educators to tackle the 'problem. 4 Bait anti-tobacco forces to criticize industry efforts. Focus media attention on antis' extremism … 5. Establish the sense of a growing, well-accepted program by encouraging a proliferation of small, local projects…" (at 4422)

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Topic	Exhibit Number	Bates Number	Document Title or Description	Document Date	Quote or Example
	U.S. Ex. 89,189	2500082630-2634	Memo: Status of PM USA Youth Initiative Programs From: Joshua Slavitt To: William I. Campbell Covering Memo: Status of PM USA Youth Initiatives Programs From: Joshua Slavitt To: Ms. Pat Tricorache	March 1, 1991	Conveys materials for the Youth Initiative Program. "Regional Directors are supporting legislation to promote our objectives in preventing youth smoking while protecting our sales and marketing practices." (at 2631). The legislation to be sought will "Include state preemption clause prohibiting localities from adopting their own specific tobacco sales laws." (at 2631) Media activities will include efforts to get publicity about "General Youth Initiatives." "To assist Government Affairs, 20,000 brochures will be printed for distribution to legislators, the press and citizens groups concerned about youth and smoking." (at 2632) Twenty Letters to the Editor have been sent that outline PM USA's position on youth and smoking, as well as refuting attacks by anti-smoking groups on our sales and marketing practices." (at 2633) No mention is made of evaluating the Youth Initiatives either in terms of their effects on youth or even the extent to which youth are being reached with them. Joshua Slavitt -- (PM Issues Manager, 1992) *Handled "It's the Law" program for Philip Morris*. He was working at PM in 1991 and still there as late as 2001. (Tobacco Documents Online). Patricia Tricorache. Her title was Specialist, Public Relations & Administration, for Philip Morris International in the Westchester, New York office. (Tobacco Documents Online).
	U.S. Ex. 66,491	511999020	Memo from T. C. Harris to T. N. Hyde, "Planning Meeting on Impending Prop 99 Efforts"	December 20, 1991	"…I believe that a concentrated implementation of the Youth Non-Smoking Program is a critical component, as it gives us a credible way to show that the Proposition is unnecessary, whether we do it via ads or in negotiations." (at 9020) [emphasis in original]

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Topic	Exhibit Number	Bates Number	Document Title or Description	Document Date	Quote or Example
	U.S. Ex. 89,192	2023916866-8667	Memo From Joshua Slavitt Subject: "Counter ASSIST Plan"	January 17, 1992	ASSIST was a program to assist 17 states increase their tobacco control efforts that was funded by the National Cancer Institute and the American Society. The memo lists "… the most effective means of disrupting ASSIST." (at 6867) Number 6 is: "Also, as a major goal of ASSIST is to reduce youth incidence, the tobacco industry could also offer our own youth initiatives with Tobacco Helping Youth Say No, and the COURSE Consortium … and suggest that further Federal or state funding is not needed for youth anti-smoking campaigns." (at 6867)
	U.S. Ex. 66,674	2040236685-6706	Speech by Ellen Merlo to the PM sales people of Region 1 (the Northeast)	October 24, 1994	In Vermont: "We will monitor the state closely, using sales force members and retail outlets where possible, and attempt to oppose any local advertising bans or marketing restrictions as they come up." (at 6696) Speaking of the Synar amendment as it relates to Penna., "What we oppose, however, are unfair enforcement techniques, specifically vigilante-style 'sting operations' conducted by anti-smoking groups." (at 6700) "Advertising and marketing restrictions are likely to be introduced at both state and local levels. "We will be attempting to manage this activity by taking a responsible position with regard to sales to minors." (at 6701) "One of our biggest marketing threats results from illegal cigarette sales to minors. "It is imperative that we get as many retailers as possible participating in the 'It's the Law' program." (at 6703)
	U.S. Ex. 66,674	2040236685-6706 Continued	Speech by Ellen Merlo to the PM sales people of Region 1 (the Northeast)	October 24, 1994	"Our goal is to prevent youth access to cigarettes and encourage a situation where enforcement activities are not necessary because everyone is using the 'It's the Law' program. "Then we can go to legislators and say, 'Look, you don't need to pass marketing restrictions and in-store display bans to discourage youth smoking, because everybody is complying voluntarily with the minimum age law." (at 6704)

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Topic	Exhibit Number	Bates Number	Document Title or Description	Document Date	Quote or Example
	U.S. Ex. 66,719	20451752 51-5261	Memo from Linda Divall regarding the National Survey Annotated Questionnaire, summarizing data from the survey.	July 21, 1995	Assessed percent of public that heard of Action Against Access (only 9% had heard of it). "44% believe that the program is a legitimate effort to prevent minors from smoking while 41% believe that it is mostly a publicity stunt. "44% state that they have seen/read/heard something recently concerning the FDA's request to regulate the tobacco industry." (all at 5251) Results regarding respondents views about government regulation on health and other issues are reported. "…53% of public agree that the FDA should assert greater control over the tobacco industry as nicotine is an addictive drug while 42% disagree." (at 5252)
	U.S. Ex. 67,179	25012414 04-1444	Juvenile Integrity Initiative Draft Proposal, EEMA Region	August 11, 1995	Presents a plan for efforts to do things related to youth smoking in an effort to prevent onerous legislation. For example, access reduction efforts "2. Launch of Voluntary Age Limit of Sales: Advantages … supports industry against anti's demands for ad bans." (1415) 1. Support of Legal Age Limit for Sales. Advantages: "Signals the ultimate responsibility belongs to parents & society." (at 1413)

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Topic	Exhibit Number	Bates Number	Document Title or Description	Document Date	Quote or Example
	U.S. Ex. 66,773	2047690071-0090	Presentation to the Board: FDA Issues Update By Steven C. Parrish	August 30, 1995	"…it was just a year ago that a new theme emerged—the issue of youth smoking." (at 0072) "…we decided that if we could effectively address youth smoking through a bold new program, we might be able to undercut Kessler's plan to it as a Trojan horse." (at 0073) PM encouraged talks between the White House and southern Democrats hoping "…they would lead to a meaningful program involving two elements: actions focused on youth <u>access</u> to cigarettes and elimination of any role for FDA in the regulation of cigarettes." (at 0075) [emphasis in original] In response to this and other evidence that an FDA regulatory proposal might be forthcoming: In the face of FDA regulation that appeared likely to be proposed, "…we launched our Action Against Access program. We had hoped that the negotiations between the Southern Democrats and the White House might lead to something which would include the elements of our "triple A" program. But as the drumbeat got louder we decided to move on our own. On June 27, we announced AAA." (at 0077)
	U.S. Ex. 66,773	2047690071-0090 Continued	Presentation to PM board on FDA issues by Steven C. Parrish	August 30, 1995	"Let me review with you the basic thinking behind this program. We believe that the best way to make a difference in youth smoking is to attack the ability of kids to get their hands on cigarettes. We also believe that advertising is not the cause of youth smoking and that unreasonable restrictions on ad placement, promotions or sponsorship or <u>any</u> restrictions on ad content are not justified…" (at 0077) [emphasis in original] "…we are strongly opposed to a number of the specific <u>elements</u> in the President's plan, particularly those that relate to restrictions on the content of advertising…" (at 0082) [emphasis in original]
	U.S. Ex. 66,727	2045191191-1315	Action Against Access Module – Date Charts	November 26, 1995	Shows awareness of the Action Against Access program from August through November of 1995. Awareness is greater among those over 35 than among those 18-24. Awareness is lowest (only 13.8%) for convenience stores. (at 1197) Among those 18-24 who were aware of the program, only 14.8% said that it had led to increases in asking for ID. (at 1296)

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U.S. Exhibit 17,576

Topic	Exhibit Number	Bates Number	Document Title or Description	Document Date	Quote or Example
	U.S. Ex. 66,760; U.S. Ex. 66,761	2046945002-5003F	A series of emails among Ellen Merlo, Howard Liebengood (Executive Vice President, Government Affairs), Steve Parrish, David Nicoli, and Jim Morgan	April 1996	First one from Ellen Merlo asks Howard Liebengood for input about where to run ads about the "aaa ad" [Action Against Access] (at 5003 F) Liebengood suggests Roll Call, The Hill, National Journal, Congressional Quarterly, and both local newspapers, the Post and the Times. (at 5003 E) Merlo replies that they are running ads in legislative publications and that they were "running a full schedule on the youth ads in legislative and general magazines at the same time." (at 5003 E) On April 9, Liebengood asks "Aren't the consumers we are interested in largely those on the Hill?" (at 5002)
	U.S. Ex. 66,818	2062905640-5641	"Under 18 No Tobacco" Program Commences The Hannah Report—Ohio's Legislative and Governmental Information Source	August 13, 1996	Describes availability of training to retailers about how to prevent youth access to tobacco. The first paragraph of the article gives a number to call for training. The paper seems an unlikely way to reach merchants. The article goes on to advocate the passage of a law making it illegal for young people to attempt to purchase tobacco.
	U.S. Ex. 66,817	2062398753-8756	Draft Document – Vermont Ingredients Disclosure Plan Author unknown.	August 16, 1996	Under actions to be taken: "Youth Issues: Utilize proactive programs on Youth Issues to counter negitive [sic] publicity generated from ingredients disclosure debate. Become hyper-aggressive in execution of AAA [Action Against Access] program and communication of it." (at 8755)

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Topic	Exhibit Number	Bates Number	Document Title or Description	Document Date	Quote or Example
	U.S. Ex. 67,252	TICT 0005792-5793	Tobacco Institute Press Release: Industry shares goal of reducing youth smoking, joins with others in opposition to FDA rules	August 23, 1996	"The Tobacco Institute today said that the cigarette manufacturers continue to support reasonable efforts to keep cigarettes out of the hands of children while continuing to challenge the unlawful assertion of jurisdiction over cigarettes by the Food and Drug Administration." "The industry regrets that a more constructive solution –one that promotes efforts that can be reasonably expected to reduce youth access to tobacco—was not announced today." (at 5792) "The tobacco industry, working with retailers and wholesalers across the country, is engaged in the largest ever effort to train and educate retail clerks to do just that." [i.e., reduce youth access.] (at 5793) Goes on to describe the We CARD program…"WE CARD is now making a measurable difference." (at 5793) No evidence of the Measurable difference is presented.
Promote the belief that adolescent smoking is due to peers and parents	U.S. Ex. 34,445	TIMN 0164421-4424	Discussion Paper (from the Tobacco Institute)	1991	A youth program will: "support The Institute's objective of discouraging unfair and counterproductive federal, state and local restrictions on cigarette advertising, by: … Reinforcing the belief that peer pressure – not advertising – is the cause of youth smoking The strategy will involve heavily promoting industry opposition to youth smoking and aligning the industry with a "broader, more sophisticated view of the problem, i.e., parental inability to offset peer pressure." (all at 4422)

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Topic	Exhibit Number	Bates Number	Document Title or Description	Document Date	Quote or Example
Improve the Image of the Tobacco Companies and Reposition Smoking as a Normal and Rational Lifestyle Choice	U.S. Ex. 67,263	TIMN 0018970-8979	The Development of Tobacco Industry Strategy	Early 1980's	Reasons Strategy is Needed: Cites challenges: Health, taxes, ingredients, labeling, advertising, Organized adversaries are united for the first time. (at 8971) Firmly committed supporters are diminishing "The entire tobacco industry is subject to negative press, adverse legislation and criticism from the public-at-large. To counteract this negative image and to demonstrate to the public that we are a responsible industry and are capable of looking beyond our own interests, we have developed an outline of several public service programs for industry consideration…. The Tobacco Institute is proposing the expansion of the tobacco industry's involvement in public service and social affairs. Our objectives for public involvement are: 1. To receive broad recognition for responsible public service, i.e., to offset the notion that we place profitability above public welfare. 2. To be viewed as constructively addressing tobacco-related issues of public concern." (at 8975)
	U.S. Ex. 67,270	TIMN 0067411-7421	"New Directions Implementation" memo to the TI Executive Committee from Horace R. Kornegay (TI Chairman in 1985, VP of RJR in 1994) and Samuel D. Chilcote, JR. (Pres. Of TI in 1992) titled,	October 19, 1981	"Priority Strategy #4: To join in communicating sensible life-styles for youngsters. "Rationale: Many efforts are made to discourage youth smoking but almost all of them consist of wrongful 'scare' tactics. Young people need knowledge of prudent youth lifestyles and encouragement to make informed adult lifestyle decisions later." (at 7416) Action #2 says they will develop messages that "stress both the practicalities and enjoyments of life divided into youth and adulthood, with emphasis on behavior appropriate for informed consideration at the adult stage, including a wide range from professional athletics to family responsibility, drinking or smoking. Rationality rather than fear could be emphasized." (at 7417)

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Topic	Exhibit Number	Bates Number	Document Title or Description	Document Date	Quote or Example
	U.S. Ex. 74,873	04210397-0441	Responsible Living for Teenagers: A Public Service Proposal for the Tobacco Industry	May 1982	"…anti-smoking groups have spent a good deal of time and money discouraging youngsters from smoking. Unlike our proposed project, they present smoking as repugnant and unhealthy." (at 0399) "It [the program] is designed to offset further erosion of the industry's image in this area, reverse political trends and gain recognition of our efforts from public service organizations and public officials." (at 0399-0400)
	U.S. Ex. 34,445	TIMN 0164421-0424	Discussion Paper (from the Tobacco Institute)	1991	A youth program will: The youth initiatives involve working "with and through credible child welfare professionals and educators . . . " The paper recommends that the industry … "establish the sense of a growing, well-accepted program by encouraging a proliferation of small, local projects; and appropriate co-ventures with other TI allies." (at 4422)
	U.S. Ex. 67,400	81760962-0971	Lorillard Youth Smoking Prevention Program Opinion PR/AD Launch Program Results Summary	January 20, 2000	The stated objective was "Communicate the news of the launch of Lorillard's new Youth Smoking Prevention Program. Strategy: Build as much 3rd party credibility as possible. Make the story national news." (at 0964) PR activities included: Online Web cast; video News Release; Wire release; Press kit, and Responses to interview requests. (at 0965) Presents data on success in obtaining "placements" in national wire, national and local print, radio, and TV. (at 0966) No objectives concerning the evaluation of effects on youth smoking are mentioned.

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U.S. Exhibit 17,576

Topic	Exhibit Number	Bates Number	Document Title or Description	Document Date	Quote or Example
	U.S. Ex. 22,355	2047139045–9055	It's the Law Focus Groups—Cincinnati To: Karen Chaikin From: Karen Eisen/Karen Ando.	March 8, 1995	"Key research objectives among the young adult smokers included exploring their general reactions to the program, especially any negative reactions if Philip Morris was revealed to be the sponsor." "Summary of Key Findings—Most smokers reported that the standards of the particular retailer have more influence than in-store signage on whether or not they will be 'carded.' …When asked to imagine that their regular brand was the sponsor, no smokers, including the Marlboro smokers, reported that the knowledge would affect their regular brand purchasing…. Fewer retailers were aware of the employee notification poster, employee acknowledgment form, and employee buttons." (all at 9045)
	JD-052971	PM3002404643-4743	Series of Memos to PMUSA National Advertising Team from Strategy One concerning the quantitative evaluation of two newspaper inserts	August 5, 2002	Describes the planning and results of a mall intercept study in which reactions were obtained to two brochures. One brochure described the PM website's provision of information about the health effects and addictive properties of cigarettes, while the other, titled "Start Talking" discussed reasons to keep kids from smoking and the value of talking to them abou it. The respondents were parents, members of the general public, and "opinion elites." The latter group was defined as those between 35 and 64 who earn at least $100,000 per year and have at least a college education. The study obtained ratings of Philip Morris' Responsibility, then showed them one of two brochures, then got a second rating of Philip Morris. The items included in their responsibility scale included: "Philip Morris is working to prevent youth smoking" "Philip Morris USA does not market to youth" "Philip Morris USA does more than is required by law" "Philip Morris USA is a credible source on tobacco issues" "Philip Morris is changing for the better" and "Philip Morris is a responsible company" The results of the study were that both brochures improved opinions about Philip Morris on all items. The Start Talking brochure did better in improving ratings on a number of items, including 'Philip Morris does not market to youth" and "Philip Morris is a responsible company"

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Demonstrative 23: Empirical Studies Relating to Adolescent Tobacco Use
U.S. Exhibit 17,577

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